

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in the Flood control insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local government units to adopt regulations designed to minimize flood losses. Sources of San Jacinto County's statutory authority include:

- a. Local Governmental Code:
 - i. Ch. 232.007 Minimum Infrastructure standards for manufactured home rental communities
 - ii. Ch. 240.901 Land use control for floodplain regulation in Trinity River Basin Water Code.
 - iii. Sec. 16.322-Civil penalty for violating order
 - iv. Sec. 16.3221-Criminal penalty for violating order
 - v. Sec. 16.324-County fee for permit

Therefore, the Commissioners' Court of San Jacinto County, Texas, does ordain as follows:

SECTION B. FINDINGS OF FACT

- (1) The flood hazard areas of San Jacinto County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect public health, safety and general welfare.
- (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance 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) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of general public;

- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities, which serve as such uses, be protected against flood damage at the time of initial construction;
- (3) Control the development and alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filing, grading, dredging and other development, which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2

DEFINITIONS

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 its most reasonable application.

44 CFR § 65.12- contains the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

100-YEAR FLOOD- is any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A "100-Year Flood" may occur many times in any given 100-year period, or it may not occur at all in 100 years.

500-YEAR FLOOD- is any flood with a 0.2% chance of occurring in any given year. As with the "100-Year Flood", this term is also misleading, because of its statistical derivation. A "500-Year Flood" may occur many times in any given 500-year period, or it may not occur at all in 500 years.

ACCESSORY STRUCTURES- are structures which are on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure (such as garages and storage sheds).

APPEALS OF DECISIONS-SD/SI- Appeals are Designated to be heard by a Board appointed by Commissioners' Court or by the Commissioners' Court, itself. An Owner may appeal a finding, determination or permit violation on the basis of insufficient information errors, repair/improvement costs that should be included or excluded, inappropriate valuations of cost for the proposed work or an inappropriate method to determine the market value of the building/structure. (See also under D-Variance below)

APPURTENANT STRUCTURE- means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure. This shall include structures that are not buildings (fences, retaining walls, etc.).

AREA OF FUTURE CONDITIONS FLOOD HAZARD- means the land area that would be inundated by the 1-percent-annual chance (100-year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING- means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of 1 to 3 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- is the land in the floodplain within a community subject to a 1 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 rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD- means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE)- The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-30, AR, V1-30 or VE that indicates the water surface elevation resulting from the flood that has a 1 percent chance of equaling or exceeding that level in any given year-also called the Base Flood.

BASE LEVEL ENGINEERING- are flood risk datasets that meet the technical mapping standards outlined in FEMA Policy 204-078-1 Standards for Flood Risk Analysis and Mapping and include estimated floodplain extents (10%, 1% and 0.2% annual chance events), water surface elevation grids (1% and 0.2% annual chance events), flood depth grids (1% and 0.2% annual chance events), and Hazardous Flood Risk Assessment.

BASEMENT- means any area of the building having its floor Subgrade (below ground level) on all sides. Under the NFIP, new buildings and substantially improved buildings must have their lowest floors (including basements) elevated to or above the BFE (non-residential buildings may have dry-floodproofed basements below the BFE). If a local official determines that work constitutes SI/SD of any building that has a basement, the building must be brought into compliance, which includes eliminating the below-grade area.

CRITICAL FEATURE- means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT- means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, site related public/private utilities, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials. In addition, the term applies to existing buildings and structures (additions, alterations, repairs, rehabilitations).

ELEVATED BUILDING- means, for insurance purposes, a building with no basement, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELEVATION CERTIFICATE- refers to FEMA form 81-31, which for the purposes of this Code must be properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Texas.

EXISTING CONSTRUCTION- means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING- means 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.

FLOOD ELEVATION STUDY- means 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.

FLOOD HAZARD BOUNDARY MAP (FHBM)- means 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 as Zones A, M, and/or E.

FLOOD INSURANCE RATE MAP (or “FIRM”)- refers to the official flood map of a community on which FEMA has categorized Special Flood Areas into risk premium zones.

FLOOD INSURANCE STUDY (or “FIS”)- is the official report provided by FEMA. It contains flood profiles, floodway tables, engineering methods, and other descriptive and technical data.

FLOODPLAIN OR FLOOD-PRONE AREA- means any land or area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT- means 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- means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other application 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 PROTECTION SYSTEM- means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING- means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY- see *Regulatory Floodway*

FUNCTIONALLY DEPENDENT USE- means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE- means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE- means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (3) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either;

- (a) By an approved state program as determined by the Secretary of the Interior or;
- (b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE- means 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.

LEVEE SYSTEM- means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME- means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to required utilities. The term "manufactured home" does not include a "recreational vehicle" unless the RV has been in place for more than 180 days.

MANUFACTURED HOME PARK OR SUBDIVISION- means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. The placement of a Recreational Vehicle for more than 180 days does constitute as development.

MEAN SEA LEVEL- means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION- means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE- means a vehicle which is;

- (i) Built on a single chassis;
- (ii) 400 square feet or less when measured at the largest horizontal projections;
- (iii) Designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;
- (v) Has not been in place for more than 180 days;
- (vi) RVs or other Structures/Recreation Vehicles without Axles shall be required to meet permanent Structure BFE criteria;
AKA; "Other Readily Fabricated Dwelling".

RIVERINE- means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA (SFHA)- see *Area of Special Flood Hazard*

START OF CONSTRUCTION- (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE- means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE (SD)- means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. ALL SD must be permitted.

SUBSTANTIAL IMPROVEMENT (SI)- means 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 “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”. SI must be permitted.

SI/SD DEVELOPMENT ADMINISTRATION REQUIREMENTS-Section references are to Publication FEMA P-758- Administering the SI/SD requirements requires four major actions: (1) From a post-Disaster Survey, determine cost of damage (Section 4.4), (2) determine market values of the development (Section 4.5), (3) make SI/SD determinations centering on 50% value, issue a determination letter (Section 5.6.15) and (4) require owners to obtain permits to bring substantially improved or substantially damaged buildings into compliance with the County requirements (Section 6.4.7). Although this Regulation specifically applies to flood damage, other events can cause these processes to activate. Regardless of the cause of damage, when owners apply for permits to repair, the County must determine whether the building is substantially damaged.

VARIANCE- means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION- means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP program Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION- means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of San Jacinto County.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Rate Map (FIRM), Community Number, 480553, dated November 4, 2010 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance. Elevation Certificates SI and SD Permits will apply as appropriate.

SECTION D. 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.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing party; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

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

SECTION H. MECHANICAL, ELECTRICAL, PLUMBING SYSTEMS

In a Hazardous Flood Zone, utilities and equipment must be elevated to or above the required lowest floor elevation. Most commercial buildings have service equipment installed on the roof or a higher floor. Elevators are permitted below the BFE and elevator shafts are not required to break away or have flood openings. Foundation designs must account for flood loads acting on elevators and non-breakaway shaft walls. To satisfy the NFIP and I-Code free-of-obstruction requirements, tanks that serve buildings in Zone V must be elevated on platforms or be installed underground and designed and anchored to account for buoyancy forces, taking into consideration erosion and scour.

SECTION I. STRUCTURES AND FOUNDATIONS

Foundations and structures within Floodplains must be designed in accordance with the American Society of Civil Engineers (ASCE), *Flood Resistant Design and Construction*, ASCE 24. ASCE 24 states the minimum requirements and expected performance for the siting and design and construction of buildings, structures, flood openings, and breakaway walls in flood hazard areas that are subject to this Regulation's requirements. Types of buildings and structures are described in ASCE 24-14, Table 1-1, and include commercial, residential, industrial, educational, healthcare, critical facilities, other occupancy types, and ancillary/appurtenant development.

SECTION J. SPECIAL DUTIES AND RESPONSIBILITIES OF THE FLOOD ADMINISTRATOR

1. **Interpret, where needed, the exact location of the boundaries of Special Flood Hazard Areas** floodplain boundaries, and floodway boundaries. (The sole purpose of this interpretation is to determine the applicability of the provisions of these Rules to the proposed project.) The following shall apply to the use and interpretation of FIRMs and data:
 - (a) Where field surveyed topography indicates that ground elevations:

- (1) Are below the base flood elevation, even in areas not delineated as A Special Flood Hazard Area on a FIRM, the area shall be considered as Special Flood Hazard Area and subject to the requirements of these regulations.
 - (2) Are above the base flood elevation, the area shall be regulated as Special Flood Hazard Area unless the applicant obtains a Letter of Map Change that removes the area from the Special Flood Hazard Area.
- (b) Where Base Level Engineering is available:
- (1) Base Level Engineering data shall be reviewed and reasonably used in FEMA-identified Special Flood Hazard Areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified Special Flood Hazard Areas.
 - (2) Base flood elevations and designated floodway boundaries on FIRMs and in Flood Insurance Studies shall take precedence over base flood elevations and floodway boundaries delineated by Base Level Engineering if such source shows reduced floodway widths and/or lower base flood elevations.
 - (3) Base Level Engineering data shall be reasonably used if such source shows increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in Flood Insurance Studies.
- (c) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
- (1) Upon the issuance of a Letter of Final Determination by FEMA, if the preliminary flood hazard data is more restrictive than the effective data, it shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - (2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 1.5(C) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - (3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations, floodplain or floodway boundaries exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
2. **Notify adjacent communities** and the State Coordinating Agency, which is the Texas Water Development Board, a minimum of 60 days prior to any alteration or relocation of a watercourse and submit evidence of all such notifications to FEMA.

3. **Ensure that the flood carrying capacity** within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.
4. **Obtain, review and reasonably utilize**, whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide base flood elevation data, any base flood elevation data and floodway data available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of these Rules.)
5. **Inspect (or have certified) floodplain developments as necessary** to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.
6. **Maintain all records and documents pertaining to these Rules** for public inspection.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The County Permit Officer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and of other appropriate sections of 44 CFR (Emergency Management and Assistance-National Flood Insurance Program regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all application for development permits required by adoption of this ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating NFIP Agency which is the Texas Water Development Board (TWDB), the Texas Commission on Environmental Quality (TCEQ), and, if applicable, the Trinity River Authority (TRA) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize

any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

SECTION C. PERMIT PROCEDURES

- (1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including accessory structures the placement/replacement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures; 2 ft. BFE @ Bottom of Lowest Floor;
 - (b) Elevation (in relation to mean sea level), to which any nonresidential structure shall be flood proofed;
 - (c) A certificate from a Texas registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B (2);
 - (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - (e) Maintain a record of all such information in accordance with Article 4, Section B (1).

- (2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
 - (a) The danger to life and property due to flooding or erosion damage;
 - (b) The susceptibility of the proposed facility and its contents to the flood damage and the effect of such damage on the individual owner;
 - (c) The danger that materials may be swept onto other lands to the injury of others;
 - (d) The compatibility of the proposed use with existing and anticipated development;
 - (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

- (h) The necessity to the facility of a waterfront location, where applicable;
- (i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION D. VARIANCE PROCEDURES

- (1) The San Jacinto County Commissioners' Court (or designated Appeal Board), as established by the community, shall hear and render judgement on requests for variances from the requirements of the ordinance.
- (2) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- (3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- (4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the ½ acre, acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
 - (a) Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (b) Variances shall only be issued upon:
 - i. Showing a 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.
- (c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (11) Variances may be issued by the Commissioners' Court for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (a) The criteria outlined in Article 4, Section D (1)-(9) are met, and
 - (b) The structure or other development is protected by methods that minimize dangers to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In UNINCORPORATED AREAS OF SAN JACINTO COUNTY, the following provisions are required for all new construction and substantial improvements as allowed by: Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §5174) Executive Order (E.O.) 11988, Floodplain Management, May 24, 1977; Executive Order (E.O.) 11990, Protection of the Wetlands, May 24, 1977; 44 C.F.R. §9.13 which mandates Mobile Homes or other Readily Fabricated Dwellings which for the purpose of this Ordinance includes RV's (Recreational Vehicles; 44 C.F.R. Parts 59 thru 73; Local Government Code (LGC) 232; Section 16.343, Water Code;

- (1) No alteration, diversion, encroachment, or enlargement shall be made to any bayou, lake, creek, natural drainage, drainage ditch, or waterway without specific written authorization from the County Floodplain Administrator and the U.S. Army Corps of Engineers-Galveston District, if applicable.
- (2) No person may divert or impound the natural flow of surface waters or permit a diversion or impounding by him/her to continue in a manner that damages the property of another by the overflow of the water diverted or impounded.
- (3) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. PERMIT REQUIRED.

In all areas of Special Flood Hazards the following provisions are required for all new construction and substantial improvements.

- (4) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. PERMIT REQUIRED
- (5) All new construction or substantial improvements shall be constructed with materials resistant to flood damage and by methods and practices that minimize damage. PERMIT REQUIRED
- (6) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located as to prevent water from entering or accumulating within the components during conditions of flooding.

- (7) All new and replacement water systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.
- (9) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (10) No building permit will be issued until San Jacinto County Environmental septic system permit (OSSF) has been obtained.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in:

- i. Article 3, Section B;
- ii. Article 4, Section B (8);
- iii. Article 5, Section C (4), the following provisions are required

1) RESIDENTIAL CONSTRUCTION

- a. Development Permits must be obtained for all proposed construction or other development, including Post-Disaster Repairs/replacements/modifications, within the identified flood hazard areas of the community. Development is defined as any man-made change structures, manufactured housing, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- b. New construction, substantial improvement or restoration of substantially damaged residential structures shall have the lowest floor (including basement), elevated two (2) feet above the base flood elevation (BFE). Substantial damage exists when the cost of restoring a structure to its pre-damaged condition equals or exceeds 50 percent (50%) of the structure's pre-disaster market value.

“Substantial Improvement” means 50 percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual work being performed. A Texas Registered Professional Engineer or Land Surveyor shall submit a certificate to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

2) NON-RESIDENTIAL

- a. NON-RESIDENTIAL CONSTRUCTION- All new construction and substantial improvements of any commercial, industrial, or other non-residential structure shall either have the lowest floor (including basement) elevated two feet (2') above the base flood level (BFE) or, together with attendant utility and sanitary facilities, designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Texas registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction, and shall certify that the designs and methods of construction are in accordance with accepted standards of practice outlined in this subsection. Only a Licensed PE or Architect can issue a COE (Certificate of Elevation) to be attached to the Permit before the permit is issued or construction begins. The Engineer is employed by the Owner.

A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the Floodplain Administrator. Commercial, public or other non-residential structures shall also obtain a fire code permit prior to construction and provide to the Floodplain Administrator. Once construction is complete, the final fire code permit shall be provided to the Floodplain Administrator.

3) COMMERCIAL STRUCTURES, PUBLIC BUILDINGS, OR ENCROACHMENTS OF STRUCTURES:

5,000 Sq. Ft. or More: Any person who intends to build a structure of 5,000 sq. feet or more or any commercial structure SHALL submit building plans and specifications to the drainage district in which the structure will be erected. If no drainage district exists for that area, then the person SHALL provide the building plans and specifications to a Texas professional engineer to prepare a site study and then submit the site study to the San Jacinto County Engineer's office for approval. San Jacinto County has a Fire Code for commercial and public structures. Any commercial or public structure of this nature must be inspected and permitted under the fire code. No building permit shall be issued until a fire code permit has been approved by San Jacinto County Fire Marshall or Inspection Department and provided to the San Jacinto County Floodplain Administrator.

4) ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be 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 registered professional engineer or architect or meet or exceed the following minimum requirements:

- a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosure in an area other than a basement and which are subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot (1') above grade; and
- c. Openings shall be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5) APPURTENANT STRUCTURES

The construction of such structure must satisfy the following standards in unnumbered and numbered A Zones:

- a. Structure is low-valued and represents a minimal investment;
- b. Structure shall be small in size, not exceeding 600 square feet in size;
- c. Structure shall be unfinished on the interior;
- d. Structure can be used only for parking and limited storage;
- e. Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
- f. Service facilities such as electrical and heating equipment must be elevated 2 feet (2') above BFE or flood-proofed;
- g. Structure is constructed and placed on building site so as to offer minimum resistance to the flow of floodwaters;
- h. Structure is designed to have low flood damage potential, (i.e.-constructed with flood resistant materials);
- i. Structure is firmly anchored to prevent floatation, collapse, and lateral movement, (i.e.-RV Carports or covers);
- j. Floodway requirements must be met in the construction of the structure; and
- k. Openings to relieve hydrostatic pressure during a flood shall be provided below BFE.

No accessory structures are allowed in 100-year Floodplain except for "disposable" sheds. If constructed, fill cannot be used for structural support and includes the areas below the BFE and must remain free of obstruction or be constructed with non-supporting breakaway walls, open latticework, or insect screening. All appurtenant structures are to be located so as not to cause damage to adjacent and nearby structures.

6) MANUFACTURED HOMES

- a. All manufactured homes, including manufactured housing as defined under Chapter 1201.003 (9), (15), and (17) of Texas Occupation Code, to be placed within Zone A, shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement. Homes or other Readily Fabricated Dwellings which for the purpose of this Ordinance includes RV's (Recreational Vehicles).
- b. Methods of anchoring MUST be in compliance with State and local anchoring requirements for resisting wind forces and must include, but not limited to, use for over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- c. All manufactured homes shall be in compliance with Part III, Fire Code.
- d. Requirement that all manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites
 - i. Outside a manufactured home park or subdivision,
 - ii. In a new manufactured home park or subdivision,
 - iii. In an expansion to an existing manufactured home park or subdivision, or
 - iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "Substantial Damage" as a result of a flood, be elevated on a permanent foundation such that the lowest horizontal structural beam of the manufactured home is 2 feet (2') above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section B, item 1 and 2 of this Article.
- e. No coastal high hazard area (velocity zone) exists in San Jacinto County but SFHA do and are noted as applicable on FEMA Mapping.
- f. Manufactured homes may not be placed in a floodway. Encroachments including fill, new construction, substantial improvements, substantial restoration, and other development are prohibited within an adopted regulatory floodway if it is determined that the encroachment would result in any increase in flood levels within the community during the occurrence of the 1% annual flood. If the proposed development in an adopted floodway will cause a rise in the 1% annual flood, the provisions of 44 CFR 65.12 must be applied.
- g. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - (i) The lowest horizontal structural beam of the manufactured home is a minimum of 2 feet (2') above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of the least equivalent strength that are no less than 36 inches in height above grade and be securely anchored foundation system to resist floatation, collapse, and lateral movement.

- h. San Jacinto County has a Separate Manufactured Home Rental Community Ordinance/Court Order which must be complied with in addition to these Regulations if the land is to be developed into a manufactured or RV home park. Reference to Part II, Appendix 5.

7) RECREATIONAL VEHICLES (RV)

- a. Recreational Vehicles-Recreational vehicles placed on sites on the community's FIRM either must (i) be on the site for fewer than 180 consecutive days, and/or (ii) be fully licensed and be ready for highway use, and/or (iii) meet the permit requirements of Manufactured Homes, and the Elevation and anchoring requirements of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- b. Any recreational vehicle (RV) or Other Readily Fabricated Dwelling, remaining at one location in excess of 180 days shall be permitted and elevated above the base flood elevation required. All recreational vehicles shall be tied down to resist floatation, collapse or lateral movement if not attached to a vehicle.
- c. Any person, who moves a recreational vehicle (RV) from a location in order to avoid having a permit, elevate and tie down as required in these Regulations, must remove the recreational vehicle for a period in excess of 24 hours. If the vehicle is removed for a period consisting of 24 hours or less, then the permitting requirements will apply, and the property owner will be required to comply with the requirements set forth in "a" above.
- d. Any recreational vehicle that is being used as a residence must be permitted, elevated, and tied down in the same manner as required for manufactured homes and the above 24-hour rule does not apply.
- e. All recreational vehicles shall be capable of evacuation under its own power or if dependent of external power, the vehicle shall be in running condition.
- f. Egress of recreational vehicles shall not be prevented by stored or fixed items such as stairs, porches, storerooms, etc.
- g. In a high hazard area such as the 100 Year Floodplain, all recreational vehicles shall be moved and/or evacuated at such time to pre-empt the storm arrival time to protect lives and property or by FEMA guidance if provided by FEMA/GLO.
- h. Recreational vehicles stored on a homeowner's lot where the house already exist are exempt from the 180-day permit regulations subject to other ordinances or restrictions. These vehicles must be unoccupied and not connected to water or sewer facilities. It must have a current license, inspection sticker, and be capable of highway use. A (THU) is NOT A PERMANENT RESIDENCE. A Temporary Housing Unit (THU), whether RV or MH that becomes permanent shall require a new permit to establish permanent addressing.
- i. A permit may be issued as Temporary Housing Unit (THU) if it falls under the guidance of FEMA Policy 9453.3 dated October 17, 2008 "Abbreviated Decision Process for the Placement of Mobile Homes and Other Readily Fabricated Dwellings" As the Result of a

Disaster. The BFE requirement may be waived as long as the permit stipulates it is for temporary housing (TH) where the highest level practicable has been determined to be below the effective BFE. The Unit must be anchored. Documentation of the permitting and review process shall be maintained in the Permitting Office File. This process will not require a Variance and will not jeopardize the NFIP standing since this is a "Temporary Housing Unit" (THU).

- j. The RV-Temporary Housing Unit (RV-THU) shall be removed
 - 1) Immediately upon public notice of an impending event that could have a negative impact on the unit or its inhabitants or,
 - 2) Within 1 week of completed or completing the project for which the temporary housing unit was being used and/or permitted for whether MH, RV or Other Readily Fabricated Dwelling (RFD).

8) FLOODWAYS

Located within areas of special flood hazard established in the FEMA FIRM are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a Texas Professional Registered Engineer or architect is provided documented proof by demonstrating that encroachments shall not result in any increase in flood levels in that community during the occurrence of the 1% annual flood.

PERMIT(S) WILL BE REQUIRED FROM THE COUNTY and other agencies including but not limited to, USACOE's, Fish and Game, Parks and Wildlife.

- b. If Article 5, Section B (5) (a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

9) FILL MATERIAL

- a. No permit is required if the fill material to be placed is no more than 20 loads or 250 cubic yards of dirt per acre of land and the land is not within the floodplain. Each acre may not contain more than 20 loads of dirt. Property owner is required to equally disburse and spread the fill material to insure no more than 20 loads of fill being placed on each acre.
- b. If more than 20 loads or 250 cubic yards of fill material is to be placed per acre of land, a permit must be obtained from the Floodplain Administrator and the property owner will be required to provide a hydraulic analysis (drainage plan) certified by a

- registered Texas Professional Engineer and approved by the appropriate drainage district.
- c. The property owner must be able to provide to the County information relating to the location from which the dirt came from, if it was from a governmental project, and who hauled/delivered the fill material.
 - d. Fill material shall be placed no closer than ten (10) feet from the edge of the property line.
 - e. If the fill material is placed on a piece of property in which the natural flow of water is conveyed on the proposed fill site, then the property owner is required to mitigate for the altered flow. Natural flow could be by sheet flow, swale, ditch, slough or other natural or man-made means of conveyance of water. Mitigation could include ditches, swales, detention/retention ponds and any other means of conveyance/detention/retention.
 - f. All fill material must be spread evenly and as per permit represents within six (6) months of the permit issuance date. If the fill material is not spread within this time period, the property owner may be requested to remove the material.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

- (1) All subdivisions proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B, or Article 4, Section B (8) of this ordinance.
- (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION E. PENALTIES FOR NON-COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the Provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Commissioners Court from taking such other lawful action as necessary to prevent or remedy any violation.

SECTION F. FEMA/NFIP DOCUMENTS

A. Floodplain Review and Inspection:

San Jacinto County Permits

Permit #: _____

Applicant: _____

Plan Review Checklist

FLOOD HAZARD AREA APPLICATION REVIEW – A ZONES

Legend: FHA = Flood Hazard Area, DFE = Design Flood Elevation

Reviewer's Initials and Date of Review	Review Steps
	<p>NOTE: For variance requests, use this form to document efforts to achieve the greatest degree of compliance.</p> <p>Is proposed development consistent with zoning?</p> <p><input type="checkbox"/> NO: Applicant to request a zoning amendment.</p> <p><input type="checkbox"/> YES: proceed w/ review.</p>
FHA Parcel and date	<p>Check FEMA floodplain floodway boundaries, base flood elevations, and floodway and DFEs issued by FEMA. Is proposal in the floodplain under floodway?</p> <p><input type="checkbox"/> NO: sign and date inspection and plan file.</p> <p><input type="checkbox"/> YES: understand the flood resistance provisions of the code.</p>
FLOODWAY FINDER ACCESS	<p><input type="checkbox"/> YES, FLOODWAY: Are residential structures including manufactured housing and/or floodways to comply with DFE?</p> <p><input type="checkbox"/> YES, FLOODWAY: Are the engineering for roof, walls, and sill heights to comply with the code controlling DFE?</p>
DFE	<p><input type="checkbox"/> YES, in FEMA floodplain: Check underpinning and other mitigation measures to applicant to determine.</p> <p><input type="checkbox"/> YES, in FEMA floodplain: Check underpinning and other mitigation measures to applicant to determine.</p> <p><input type="checkbox"/> YES, in FEMA floodplain: Check underpinning and other mitigation measures to applicant to determine.</p> <p><input type="checkbox"/> YES, in FEMA floodplain: Check underpinning and other mitigation measures to applicant to determine.</p> <p><input type="checkbox"/> YES, in FEMA floodplain: Check underpinning and other mitigation measures to applicant to determine.</p> <p><input type="checkbox"/> YES, in FEMA floodplain: Check underpinning and other mitigation measures to applicant to determine.</p>
	<p>Site plan shows nature of development proposal, location, dimensions, wetlands, floodplain/floodway boundaries, and ground elevations.</p> <p><input type="checkbox"/> NO: advise review.</p> <p><input type="checkbox"/> NO: return to applicant to revise application and site plan.</p>
	<p>Can the proposed development be modified to avoid floodplain?</p> <p><input type="checkbox"/> YES: explain flood hazards to applicant and make recommendations to modify proposal to minimize flood hazards and damage potential.</p> <p><input type="checkbox"/> NO: can the risks be further minimized? Reduce DFE, DFE or "higher ground"?</p>
	<p>Has the applicant provided copies of all necessary state and federal permits, e.g., wetlands?</p> <p><input type="checkbox"/> NO: advise applicant which agencies to contact.</p> <p><input type="checkbox"/> YES: require copies for the file.</p>
	<p>Wetland boundaries identified?</p> <p><input type="checkbox"/> YES: complete review.</p> <p><input type="checkbox"/> YES: applicant to provide copies of necessary state and federal permits, state and federal permits, and the DHEP State Coordinator.</p> <p><input type="checkbox"/> YES: engineering analysis required to show adequate flood carrying capacity, method of flow to be described.</p>
	<p>Are proposed construction details adequate to meet the DFE? Provide to customer?</p> <p><input type="checkbox"/> NO: complete review.</p> <p><input type="checkbox"/> YES: used to verify building will be constructed, aligned, and stabilized.</p> <p><input type="checkbox"/> YES: but not to be: orig. elevation purpose of DFE _____</p>

B. Substantial Damage Calculation:

SPECIAL FLOOD HAZARD AREA		SUBSTANTIAL DAMAGE WORKSHEET FOR OFFICE USE ONLY
Floodplain/Building Permit Number: _____ Substantial Damage determination requires inspection all costs necessary to restore the damaged conditions to their pre-damage condition. Compare to the Substantial Damage determination below. Documentation to support stated cost estimates is required. Review local floodplain ordinance for higher standards (e.g. freeboard, lower threshold for SD determination and cumulative SD over a period of time).		
STRUCTURE VALUE*	Source: Property Assessment (1) (includes tax factor of _____) Attached Appraisal (Absolute Only) (2) *Pre-market value before damage occurred	\$ _____ (A)
REPAIR COST DAMAGE†	Describe work needed to repair to pre-damage condition, provide detailed estimate. Cost to repair to pre-damage condition	\$ _____ (B)
CALCULATING RATIO	$\left(\frac{B}{A}\right) \times 100 \geq C$	_____ % (C)
DETERMINATION	Check all that apply in accordance with the local floodplain management ordinance, and all building codes: <ol style="list-style-type: none"> 1) Estimates of costs required and accurate 2) Estimates of costs returned for more information 3) Appraisal, if provided, reviewed and determined to represent structure only 4) Ratio of costs to market value does not constitute "substantial damage" 5) Ratio of costs to market value constitutes "substantial damage" <ul style="list-style-type: none"> <input type="checkbox"/> Building must be brought into full compliance with the local floodplain management ordinance <input type="checkbox"/> Building must be brought into compliance with all building codes <input type="checkbox"/> Applicant must submit floodplain/building permit application demonstrating compliance with flood hazard area requirements true letter to owner: <ol style="list-style-type: none"> 1) Not Substantial Damage 2) Substantial Damage 3) Substantially Damaged by Flood (may qualify for NFIP ICC insurance payment) Determination completed by: _____ Determination approved by: _____ _____ Date _____ Floodplain Administrator/Building Official	
	<ol style="list-style-type: none"> 1) SD Worksheet and Letter to Owner put in permit file 2) Pre-Market Value Assessment put in permit file 3) Cost Repair Estimate put in permit file 	

C. Cost of Damage Estimates

Contract for Construction Estimate
(Note: If there is no contractor the homeowner may complete this portion)

Parcel ID No.:

Property Address:

Contractor Name:

License No:

Phone:

I hereby attest to the fact that I, or a member of my staff, personally inspected the above mentioned property and produced the attached itemized list of repairs which are hereby submitted for a Substantial Improvement/Substantial Damage Review. These improvement/damages are **ALL OF THE IMPROVEMENTS/DAMAGES** sustained by this structure, and that all repairs proposed on the subject building are included in the estimate.

This disclosure is to comply with substantial improvement as defined in 44 Code of Federal Regulations 59.1: *any reconstruction, rehabilitation, addition, or other improvements 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.*

See attached itemized list	Total Labor and Materials	\$ <input type="text"/>
	Overhead and Profit	\$ <input type="text"/>
	Total Cost	\$ <input type="text"/>

Contractor Signature Date

D. Substantial Damage Estimate – Non-Residential:

SDE Non-Residential Worksheet

Inspection # _____ Inspector Name _____
Photo # _____ Date _____

PROPERTY LOCATION

Latitude: _____ Longitude: _____

Street Address _____
City, State, Zip _____
County _____

STRUCTURE ATTRIBUTES

Story: One
 Two thru Four
 Five or more

Structure Use : _____
Description: Apartments, Courthouse, Dept. Store, High School, Hospital, Industrial,
Long-Term Care Facility, Motel, Municipal Building, Office Building or Police Station

Sprinkler System: Yes No Conveyance (Elevator/Escalator): Yes No

Quality: Low Budget Average Good Excellent

Year of Construction: _____

Date Damage Occurred: ___/___/___

Cause of Damage: Fire
 Flood
 Flood and Wind
 Seismic
 Wind
 Other

Duration of Flood: Hours
 Days

Depth of Flood Above Ground: _____

Depth of Flood Above 1st Floor: _____

No Physical Damage

E. Substantial Damage Estimate – Residential:

SDE Residential Worksheet

Inspector Name _____
 Inspection # _____ Photo # _____ Date _____

PROPERTY LOCATION

Latitude: _____ Longitude: _____

Street Address _____
 City, State, Zip _____
 County _____

STRUCTURE ATTRIBUTES

- | | |
|---|--|
| <p>Residence Type:</p> <ul style="list-style-type: none"> <input type="radio"/> Single Family Residence <input type="radio"/> Town or Row House <input type="radio"/> Manufactured House | <p>Foundation:</p> <ul style="list-style-type: none"> <input type="radio"/> Continuous Wall w/Slab <input type="radio"/> Basement <input type="radio"/> Crawlspace <input type="radio"/> Piles <input type="radio"/> Slab-on-Grade <input type="radio"/> Piers & Posts |
| <p>Superstructure:</p> <ul style="list-style-type: none"> <input type="radio"/> Stud-Framed <input type="radio"/> Common Brick <input type="radio"/> ICF <input type="radio"/> Masonry | <p>Roof Covering:</p> <ul style="list-style-type: none"> <input type="radio"/> Shingles – Asphalt, Wood <input type="radio"/> Clay Tile <input type="radio"/> Standing Seam (Metal) <input type="radio"/> Slate |
| <p>Exterior Finish:</p> <ul style="list-style-type: none"> <input type="radio"/> Siding or Stucco <input type="radio"/> Brick Veneer <input type="radio"/> EIFS <input type="radio"/> None – common brick, structural | <p>HVAC System:</p> <ul style="list-style-type: none"> <input type="radio"/> Heating and/or Cooling <input type="radio"/> None |
| <p>Story:</p> <ul style="list-style-type: none"> <input type="radio"/> One Story <input type="radio"/> Two or more Stories | <p>Quality:</p> <ul style="list-style-type: none"> <input type="radio"/> Low <input type="radio"/> Budget <input type="radio"/> Average <input type="radio"/> Good <input type="radio"/> Excellent |

Year of Construction: _____

Date Damage Occurred: ____/____/____

- Cause of Damage:
- Fire
 - Flood
 - Hail and Wind
 - Seismic
 - Wind
 - Other

Duration of Flood: _____ Hours
 _____ Days

Depth of Flood Above Ground: _____

Depth of Flood Above 1st Floor: _____

ARTICLE 6

ADMINISTRATIVE PROCEDURES – SAN JACINTO COUNTY, TEXAS

SECTION A. SUBSTANTIAL IMPROVEMENT/SUBSTANTIAL DAMAGE (SI/SD)

The purpose of this document is to outline how San Jacinto County will administer and implement steps to fulfill the Substantial Improvement/ Substantial Damage (SI/SD) requirements for future flooding events. Incident size, severity, and associated building damage will vary. Some incidents are localized, some rise to the level of emergency, and others can be regional and considered a disaster. Although the primary focus of this document is on large scale incidents that have risen to the level of a disaster, guidance can apply to incidents of smaller scale and severity.

I. RECOGNIZING REGULATORY, LEGISLATIVE, and REFERENCE AUTHORITY

a. Location of SI/SD Regulatory Language - Substantial Improvement/Substantial Damage (SI/SD) procedures in San Jacinto County are established and regulated as per

- San Jacinto County Rules for Subdivisions and Development (As amended November 19, 2021) – Sections pertinent to Flood Plane Management - (Article 5, Appendix 3, Section D, Article 3, Article 4)
- Texas Local Government Code Sections 232, 233, & 240.
- Texas Administrative Code – Title 37, Part 1, Chapter 7, Sub. A
- San Jacinto County Multi-Hazard Mitigation Plan
- Texas Government Code 418
- Texas RP 40 – designating NIMS as the state standard for incident reporting
- FEMA P-2055 Post Disaster Building Safety Evaluation Guide
- Disaster Recovery Reform Act (DRRA) of 2018 (specifically Section 1241 - POST DISASTER BUILDING SAFETY ASSESSMENT).
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, as Amended (Stafford Act), Title 42 of the United States Code (U.S.C.) § 5121 Public Law 93-288
- The National Response Framework (NRF) (FEMA, 2019b)
- Homeland Security Presidential Directive 5 (HSPD 5)
- National Response Framework
- ATC-45 report, *Field Manual: Safety Evaluation of Buildings after Windstorms and Floods*, (ATC, 2004)
- Federal Disaster Mitigation Act of 2000 (DMA 2000)

OTHER AUTHORITY IS ESTABLISHED BY:

- Commissioner’s Court – County Judge Presiding – 936-653-2199
- Local Precinct Commissioners:
 - Precinct 1 – 936-653-5045
 - Precinct 2 – 936-628-3267
 - Precinct 3 – 281-592-1109
 - Precinct 4 – 936-377-2481
 - Floodplain Administrator Supervisor (CFM)
- Disaster District 14 TDEM Coordinator – 936-208-3270
- FEMA – Texas Region 6
- National VOAD cooperatives – Red Cross and the Salvation Army.

b. Ancillary SI/SD Authorities - San Jacinto County has established the following agreements that enable the County to access external SI/SD resources in the event additional assistance is required:

- Texas Department of Emergency Management (TDEM)
- Federal Emergency Management Agency (FEMA)
- Deep East Texas Council of Governments (DETCOG)
- Texas Department of Transportation (Tx DOT)

2. COMMUNITY ENGAGEMENT AND THE CURRENT STRUCTURE

a. Communication Methods - The following communication methods are employed pre-and/or post-event to communicate permitting, damage determination and process information to the public:

- Public Hearings conducted by Elected Officials and Emergency Directors (County Judge, Precinct Commissioners, Sheriff’s Department, Floodplain Administrator, Emergency Manager, City Mayors, TDEM, Governor of Texas).
- Social Media by County Officials
- Radio News Spots
- Television News Spots
- Community Bulletin Boards
- News Papers
- San Jacinto County Permitting Office
- Face to face briefings

b. Communication Post - Event SI/SD information provided in post-event communication includes:

- Bulletins issued by the Permitting Office
- Direct face-to-face communication

- Public Hearings
- Commissioner’s Court hearings
- Social Media
- Appeals Board hearings and minutes

c. Effectiveness of Communication Process Implementation

- The effectiveness of the above-listed methods is evaluated by Elected Officials and representative Emergency coordinators.

d. Emergency Management Cycle

- **Prevention efforts** – flood control primarily through the interaction of development permit issuance to determine if proposed development is in or near a designated SFHA.
- **Mitigation efforts** – flood prevention in San Jacinto County depends on the establishment of BFE levels 2’ above the flood level for all residential and non-residential new construction and substantial improvements in effected zones. Further mitigation efforts are through the continued cleaning, mowing, and clearing of County designated drainage easements, culverts, and drainage routes for excess surface runoff.
- **Preparedness efforts** – primarily through adherence to the San Jacinto County Multi-Hazard Mitigation Plan (current version 2018). Continuing training in SI/SD procedures for key personnel. Preparedness measures also enhance disaster response operations.
- **Response** – activities begin immediately to give emergency assistance to individuals. Via Texas Government Code 418, the County Judge and Mayors have the responsibility to direct disasters and to adapt to the scale of the issue. EMS services are coordinated by the County’s Emergency Management Director who has both the authority and resources to respond to the size of the flooding problem, and to utilize personnel, force labor, contracted labor, County employees, volunteers, and other County Resources.
- **Recovery** – begins immediately at the local level and coordinated through both the County Commissioners and local Mayors.

3. DETERMINING IMPACT AREA

Immediately after an event, community officials (both Mayors and County Commissioners) will undertake an initial review of the extent of damage including a broad characterization of the number of buildings impacted and the level of anticipated damage. The Judge’s appointed Emergency Coordinator will review the Inventory of sites within the SFHA to be sure all sites have been reviewed for damage. The FPA will assist the EMC for Flood Plain issues/Guidance. If needed, the initial survey is followed by an official Preliminary Damage Assessment (PDA) coordinated by the local emergency manager and performed by teams from other elected officials, representatives from San Jacinto County building officials, building officials from

neighboring counties, County employees assigned to the tasks, force account labor, engineers, contractors, third party estimators, and if there is a large enough impact, TDEM, DETCOG and/or FEMA as well. San Jacinto County will use the results of the PDA to help identify significant damage and coordinate SI/SD inspections.

a. Extent of Impacted Areas - To determine the extent of the impact area, San Jacinto County will use first-hand reports by the Mayors and Commissioners, FPA and compile the data to assess the magnitude of the issue. Generally, this initial effort will be a windshield survey. Should the event warrant it, resources will be acquired to perform a flyover.

b. Resources to Make Extent Determination – Local Mayors and the Commissioners, FPA will use their own resources, contracts, local volunteers, groups, and businesses first.

- First responders, including police and fire personnel, perform initial assessments of buildings, cordon off areas with downed power lines and other hazardous conditions, and get injured people to appropriate medical care.
- If the response is not satisfactory, then they will draw on additional resources based on interlocal agreements and contracts.
- If this not satisfactory, then San Jacinto County will activate emergency response contracts and request State help. This will require the Judge to activate and to declare an Emergency in San Jacinto County.
- The PDA will be submitted to TDEM and then forwarded to FEMA Region 6.
- If criteria are met, FEMA, State, and Local Officials will conduct a more comprehensive PDA.

Under the NFIP guidance for SI/SD determinations, only properties with boundaries that overlap with the Special Flood Hazard Area (SFHA) are required for inspection, although in a disaster, more structures may be included. San Jacinto County will estimate the number of damaged structures using the following steps:

- Review the data base of SFHA structures and plan an inspection pattern
- Determine the numbers and locations of structures to be inspected by the initial reports from the Commissioners and Mayors
- Delineation of inspection boundaries on a FIRM or community map
- Sequence of inspections are determined, and teams developed
- Delineate inspection team assignments by area as determined by the Emergency Manager – making sure that each team has a smart device with capability for photos and GPS applications
- Guidance materials for inspectors, a safety briefing about dealing directly with potentially frustrated and angry citizens, SI/SD forms and workbooks, maps, and any other special instructions

4. IDENTIFYING AVAILABLE PERSONNEL People are to be selected for tasks based on training and availability during an emergency; San Jacinto County will utilize the following staff and/or departments to conduct damage assessments:

- Office of Emergency Management – 936-653-3395
- San Jacinto County Permit Office – 936-653-3823- Floodplain Admin (CFM)
- The San Jacinto County Engineer – 936-377-2899
- The respective County Commissioners (see above for number)
- Other County Officials as assigned by the Judge & Floodplain Administrator
- Other County Employees as assigned by elected Officials
- Volunteers, groups, and local businesses
- TDEM and DETCOG specialists
- FEMA specialists
- Outside Contractors and Consultants

The SI/SD team comprises the following positions and associated responsibilities:

- The teams and ancillary works will be organized by the Emergency Manager
- The field teams will be made of a minimum of two (2) people to ensure that no one works alone. No team will enter data directly into the SDE tool. All data will be recorded on the forms as delineated with the SDE Tool 3.0.
- Teams will cross-check each other, and at least one of the members will be trained in the use of the SDE Tool forms.
- At the appropriate time, teams will meet to disseminate accumulated data on the structures to the data entry leader

As part of San Jacinto County's agreements identified in section 1 of this procedure document, the County will also utilize available personnel from outside resources to conduct damage assessments as needed.

- San Jacinto County will utilize outside resources, if necessary, as provided through these agreements when an event impacts any section of the County.
- Using the available resource equation, a time frame for the inspections will be determined using the general formula below (Section 5).

Training a designated coordinator in each precinct will ensure that all internal and external personnel involved in the SI/SD process who require emergency "just-in-time" training will receive such training.

The process/procedure for getting these resources trained is documented in several online sources:

<https://training.fema.gov/is/>

- Recommended courses include: IS-100.c, IS-235.c, IS-700.b, IS-10.a, IS-230.e, IS-234.b

- Other training aides include:
 - https://www.fema.gov/sites/default/files/2020-08/fema_p_758_complete_r3_0.pdf Substantial Improvement/Substantial Damage Desk Reference
 - https://www.fema.gov/sites/default/files/2020-07/fema_p-2055_post-disaster_building_safety_evaluation_2019.pdf Post-Disaster Building Safety Evaluation Guidance FEMA P-2055
 - <https://www.fema.gov/emergency-managers/risk-management/building-science/substantial-damage-estimator-tool> FEMA P-784
 - Substantial Damage Estimator (SDE) User Manual
 - Substantial Damage Estimator (SDE) Tool
 - Substantial Damage Estimator Best Practices
 - Substantial Damage Estimator Forms Combined
 - Other Training aides - <https://www.fema.gov/emergency-managers/risk-management/building-science/substantial-damage-estimator-tool>

The position/department responsible for updating and maintaining the training documentation for the County is the County Emergency Manager.

5. DETERMINING TIME FRAMES

San Jacinto County will calculate the time it will take to conduct SI/SD assessments using a variation on the below equation:

$$(\# \text{ Damaged Structures} \times 45 \text{ minutes/inspection and travel time}) \times 1/60 \text{ mins} = \text{Hrs needed}$$

From the “Hrs. needed” calculation, the number of teams and the need for outside personnel can be determined. The Judge will set the time frames for the County response. For each structure type to be assessed, San Jacinto County will determine the amount of time necessary for completing all SI/SD assessments.

a. Threshold for Requesting Assistance - In addition to accounting for varying conditions related to structure types and land use patterns, when estimating timeframes, San Jacinto County will identify other obstacles that may prevent the timely completion of assessments, such as areas with heavy debris blocking access, contamination of grounds, unsafe roads or access points, or gated communities. If the timeline calculated using the equation identified above estimates that SI/SD assessment cannot be completed within 2-4 weeks, then San Jacinto County will request external resources.

The position/department responsible for estimating this will be the Permit Office and the Director of Emergency Management. San Jacinto County will use the following inputs to estimate level of effort and duration. The process to estimate will be FEMA P-784 – SDE Tool 3.0.

6. ESTABLISHING A SUBSTANTIAL IMPROVEMENT/SUBSTANTIAL DAMAGE DETERMINATION PROCESS AND METHODOLOGY - Structures damaged between 50 and 100 percent are considered substantially damaged and are required to be brought into compliance with both the local rules and the local floodplain development regulations (Rules for Subdivisions - <http://www.co.snjt.tx.us/upload/page/6917/SAN%20JACINTO%20RULES%20FOR%20SUBDIVISION%20AND%20DEVELOPMENT.pdf>).

A structure that is damaged to 55 percent (e.g., of its market value) is not treated differently than a structure that is 90 percent damaged in terms of floodplain development regulations. San Jacinto County will determine these percentages based on the guidelines of FEMA P-784. Value data for the structures will be obtained through the San Jacinto County Appraisal District, or by using other available methods as delineated in FEMA P-758.

Table 8-1: Potential Tax Data Used in the SDE Tool Category

Owner and Structure Location

- Owner's first and last name
- Owner's telephone number
- Community name
- Zip code
- Official structure address
- Owner's mailing address if different from structure address
- County/parish name (for multiple communities in the same county/parish)
- Lot and parcel number

Structure Information

- Date of construction
- Date of improvements requiring building permits
- Number of dwelling units on the property
- Habitable area (in square feet) per structure
- Structure use (e.g., single-family home, manufactured housing, commercial use, public building)
- Structure style (number of stories, with or without basement)
- Construction type (e.g., wood frame, masonry)
- Foundation type
- Exterior material type (e.g., vinyl siding, brick veneer)
- Attached or detached garage
- Other structures on the same lot

Assessed Building Value

- Adjusted tax assessed structure value
- Date of last tax adjustment (to verify validity of the adjusted tax assessed value)

Preliminary Structure Determinations: Screening and Categorizing (All Damaged Structures)

a. Timeframe – San Jacinto County will conduct preliminary structure evaluations within 2-4 weeks depending on the size of the event, access, safety of getting to the structure, and the cleanliness of the surrounding environment. San Jacinto County will conduct preliminary structure evaluations to classify damaged structures into the following categories: 0 to 40 percent damaged, 40 to 60 percent damaged, and 60 percent or more damaged. These initial classifications of damaged structures is based on the following criteria:

b. Initial Screening - After the preliminary evaluations, San Jacinto County will refine the delineation of the impact area and differentiate areas with structures that are between 40 and 60 percent damaged. A more refined method of cost estimation with probably require outside professional estimating to finalize the determination.

c. Assigned Structures to Damage Percentage Categories Zero to 40% - Damaged
For structures that are less than 40 percent damaged, the process will not require permits for repairs unless the structure is in the SFHA. The waiving of fees will be determined by the Commissioner's Court.

d. Greater than 60% - Damaged For structures identified as more than 60 percent damaged, the process will require permits within or outside of the SFHA. The Commissioner's Court will determine if the fees will be waived depending on the extent of area damage and other considerations.

e. Damaged 40%- 60% - For structures that are more likely to be controversial in the 40-60 percent damaged range, the process will be to generate a more refined method of cost estimation that will probably require outside professional estimating to finalize the determination. A permit for repair will be required whether inside or outside of the SFHA, and the Commissioner's Court will determine whether the fees will be waived.

7. COMMUNICATING DAMAGE TO PARTNERS (Local/State/Federal)

a. State Communications

i. Position Responsible - The position responsible for communicating SI/SD information to State partners is the Emergency Manager and/or the Judge.

State Partnering Agencies

- TDEM
- DETCOG
- TxDOT
- The Office of the Governor

Communication Method As determined in section 4, and based on the equation developed in section 6, State partners will be contacted if the County cannot respond in a timely manner, or if it needs resources that are not locally available.

b. Federal Communications

i. Position Responsible - The position responsible for communicating SI/SD information to Federal partners is TDEM and/or the Judge.

ii. Federal Partnering Agencies

- FEMA
- National VOADs

c. Communication Method As determined in section 4, and based on the equation developed in section 6, Federal partners will be contacted as determined by TDEM and the Judge.

8. COMMUNICATING SUBSTANTIAL IMPROVEMENT/SUBSTANTIAL DAMAGE INFORMATION TO STRUCTURE OWNERS

A. Determine Timeframe - Residents will be notified of the SI/SD determination within 2-4 weeks of an SI/SD assessment as per the detailed process identified in section 5. Homeowners and Property owners shall have 30 days to respond and/or appeal. Any leeway in the response must first be requested by the owner and either approved or denied by the Appeals Board.

B. Determine Delivery Method – San Jacinto County will use the following means of communication for notifying structure owners of SI/SD determinations and the appeal process:

- A mailed Letter of Determination
- Face to face delivery of the Letter
- Email – if known
- Placards in common areas of heavily impacted zones
- Community bulletin boards
- Social media postings

C. Location of Appeals Language The SI/SD appeals process is documented in the San Jacinto County Rules for Subdivisions, as amended November 19, 2021

http://www.co.san-jacinto.tx.us/upload/page/6917_SAN%20JACINTO%20RULES%20FOR%20SUBDIVISION%20AND%20DEVELOPMENT.pdf

D. Appeals Review Body

San Jacinto County's appeals process allows for structure owners to voice dissent and potentially change the process and the determination. The community will also work to ensure SI/SD determinations are accurate, consistent, and defensible. The process includes review by third parties and independent consultants – if required. The outcome of any appeal will be documented in the Office of Emergency Management, the Appeals Board permanent records, The Appraisal District, and the Permitting Office.

9. MONITORING AND REINTEGRATION

Any external resources requested will be demobilized and the continuity of the SI/SD process will be maintained by the Emergency Manager, the Permitting Office, and the Appeals Board records.

CERTIFICATION OF ADOPTION

Signed – Stamped Court Order, on next page dated November 19, 2021 on as Amended.

San Jacinto Commissioners' Court
ORDER
ADOPTION OF FIRE CODE
LGC- §233.61; and LGC 352

WHEREAS, Texas Local Government Code, Chapter 352 and LGC 233, Subchapter 11C" §233.061 thru §233.065; and LGC Chapter 232; Authorizes counties to adopt a fire code and the regulations necessary to administer and enforce it, including requiring building permits thru the International Fire Code (IFC) and International Building Code (IBC); and

WHEREAS, the Commissioners' Court finds that adopting a fire code and requiring permits for the construction of commercial establishments, public buildings, and multi-family dwellings with four (4) or more units in the unincorporated areas of San Jacinto County, Texas allows the County to impose standards to protect the health and safety, welfare and property of the general public. This Code governs the safeguarding of life and property from fire and explosion hazards arising from the shortage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in Unincorporated San Jacinto County.

WHEREAS, the *International Fire Code, 2009 Edition*, published by the International Code Council, provides appropriate protective measures and continuity with other local governments in San Jacinto County and surrounding areas.

WHEREAS, the Commissioners' Court has considered the proposed code and deems it appropriate to adopt it as the fire code for the unincorporated areas of San Jacinto County, Texas as San Jacinto County Fire Code in the Amended 2017 Subdivision Rules and Regulation Part 11, Appendix 5 Article 1; San Jacinto County Fire Code and noted in Part I; Appendix 3; Article 5, Non-Residential Section, Item #2.

BE IT THEREFORE ORDERED that, pursuant to Local Government Code(s) 352 and §233.061 et seq., a San Jacinto County Fire Code, and a copy of which is attached hereto and incorporated herein for all purposes adopted, to become effective 11/14/2017.

APPROVED and AMENDED, this 19th day of November, 2021.

_____ County Judge Fritz Faulkner

_____ Pct. 1 Commissioner Laddie McAnally

_____ Pct. 2 Commissioner Donnie Marrs

_____ Pct. 3 Commissioner David Brandon

_____ Pct 4 Commissioner Mark Nettuno

ATTEST: _____
Dawn Wright, County Clerk



FEMA

January 28, 2022

The Honorable Fritz Faulkner
Judge, San Jacinto County
One State Highway 150 Room 23
Coldspring, TX 77331

RE: National Flood Insurance Program

Dear Judge Faulkner:

The Federal Emergency Management Agency (FEMA) would like to advise you of the successful closure of the National Flood Insurance Program (NFIP) Community Assistance Visit (CAV) with San Jacinto County initiated on November 19, 2019. The CAV was conducted by FEMA Floodplain Management and Insurance Specialists Angela Harrison and Brian Bartley, who identified programmatic deficiencies which required corrective actions to maintain the continued availability of NFIP insurance policies within San Jacinto County.

The identified programmatic deficiencies include an ineffective substantial damage program, unpermitted development, and ineffective enforcement procedures. San Jacinto County's most recent correspondence to FEMA, dated January 10, 2022, described procedural adjustments completed during the CAV by David Brandon, Floodplain Administrator. This work addressed non-compliance for each of the 21 sites identified in the special flood hazard area tour and 124 sites identified by substantial damage assessments. These findings required procedural changes to meet NFIP minimum standards:

- Inform property owners of the requirement to obtain permits for **repairs**
- Conduct substantial damage assessments and administer appeals
- Determine the costs of repairs and market values for damaged structures
- Develop procedures to determine the substantial damage status of individual structures
- Track and monitor substantial damage determination letters to property owners
- Periodically inspect development to affirm compliance with issued permits, correct deficiencies and violations, and unpermitted development

These procedural changes allow San Jacinto County to maintain good standing and continued availability in the NFIP, increase awareness of flood risk throughout the community, improve resilience to flood risk, and identify mitigation opportunities that further reduce risk in your community.

The Honorable Fritz Faulkner

January 28, 2022

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The NFIP currently provides 403 NFIP flood insurance policies in force within San Jacinto County, affording \$107 million in coverage. Policyholders filed 402 claims since 1987, providing a cumulative claim payment history of \$7 million.

Thank you for the courtesies extended to FEMA throughout the CAV and assistance provided by the San Jacinto County. Please feel free to contact Brian Bartley at (202) 805-6676 or brian.bartley@fema.dhs.gov, for any floodplain management related items in the future.

Sincerely,

Charles Cook
Floodplain Management and Insurance
Branch Chief

cc: Yi Chan, CFM, Texas State NFIP Coordinator
David Brandon, Floodplain Administrator for San Jacinto County, TX