



Ohio Department of Natural Resources
Division of Soil and Water Resources
Fact Sheet

Fact Sheet 13-69

Floodplain Management Program: Development by State Agencies

While flood risk reduction is a goal shared by everyone, not everyone realizes that, in Ohio, it is also a legal requirement [ORC 1521.13]. Because the means by which different jurisdictions attain this goal and fulfill this requirement may vary, it is understandable that there may be confusion concerning the permitting process for floodplain development by a State Agency.

The process (and its effectiveness) may vary from agency to agency as it does from community to community.

Federal, State, and most local flood safety regulations are based upon the performance standards established in the National Flood Insurance Program (NFIP). Simply stated, the NFIP requires that all Special Flood Hazard Area (SFHA)-development within an NFIP-participating community must meet or exceed the NFIP-standards [44CFR60.3]. Whether an SFHA-development is proposed under local or State jurisdiction may change the source of the permit, but in either case, the standards remain.

- For the majority of these developments, applicants are required to submit an application for an SFHA-development permit to the community.
 - This includes State Agency financed or funded development, undertaken by a non-agency developer [ORC 1521.13(D)].
- SFHA-development that is directly undertaken or preempted by a State Agency is still required to comply with federal, State, and local flood safety standards but is not required to obtain a local permit (or variance). State Agencies must also ensure / demonstrate compliance with all SFHA-development it undertakes or preempts [ORC 1521.13(D)].
- SFHA-development that is directly undertaken or preempted by a Federal Agency is required to comply with NFIP-flood safety standards but is not required to obtain a local permit (or variance) [E.O. 11988].

Shared Responsibilities of Local and State Agency Floodplain Administrators

Ensuring that applicants apply to the correct jurisdiction(s) is both desirable and required. Local FPAs must be aware of exceptions to their permitting authority [CFR59.22(a)2].

ODNR's Floodplain Management Program (FMP) office can assist both local and State Agency FPAs (and applicants) with knowing which authority(s) to consult to obtain the required floodplain development permits. View www.dnr.state.oh.us/water/waterobs/orclaw/flood_law_main.shtm to see some of the State Agency authorities.

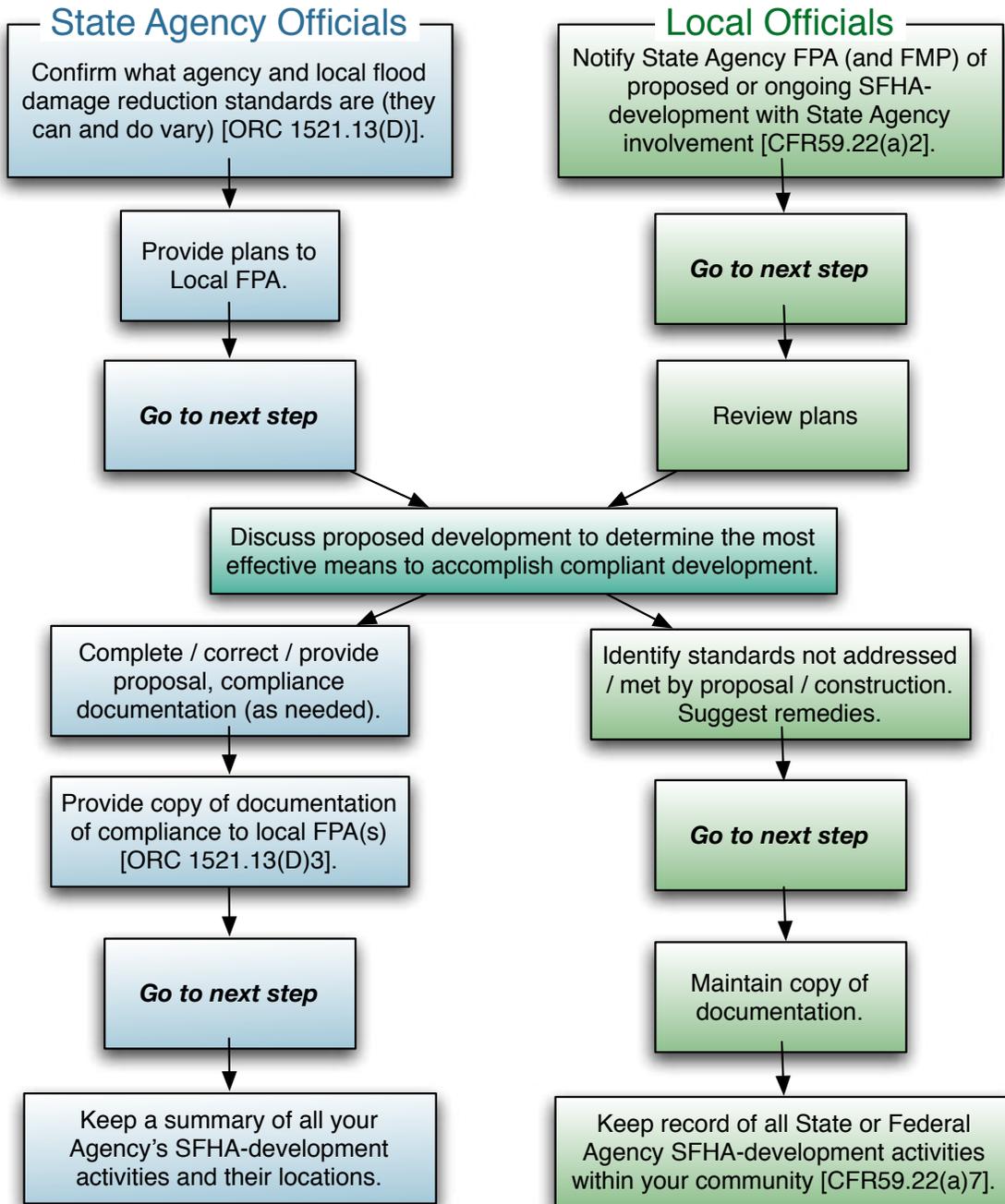
Since local FPAs are more likely to be aware of their area's flood hazards and regulatory standards, the FMP encourages cooperative efforts between the local and State Agency FPAs (and with the FMP) to reduce flood risk through compliance as required by local, State, and federal law. To this end, we suggest that State Agency FPAs provide copies of their documentation for each proposed development to local FPAs and in return, those FPAs review that documentation for compliance with local standards. This is a courtesy to both and not a submission. In that light, we encourage the following sequence.

Variations

For those rare cases where a jurisdiction (whether local or State Agency) deems it necessary, they may review a proposed development to determine whether a variance is warranted (in accordance with compliant flood risk reduction variance criteria). Since a flood safety variance permits a development that does not meet the jurisdiction's minimum flood safety standards, these are to be avoided whenever possible. As with the rest of this permitting process, cooperative discussion is desirable. If a local FPA concludes that a State-issued variance would be improper and cannot be resolved between the two, the FMP can advise both parties [ORC 1521.14 (B)].

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Suggested Contacts Between State Agency & Local Floodplain Administrators



Other materials, may be obtained at:

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