

submit a base flood depth and velocity analysis prepared in accordance with KCC 21A.24.240.C and obtain a floodplain development permit as provided in KCC 21A.24.271.

Discussion

As provided in KCC 21A.24.045.A, all alterations within flood hazard areas located outside of severe channel migration zones are allowed as long as the alteration complies with the development standards, impact avoidance, and mitigation and other requirements established in this chapter. The basic standards for any development within the zero-rise flood fringe are found in 21A.24.240.A-C. They require that there be no reduction in effective base flood storage in the floodplain and no residential development where the base flood depth exceeds three feet or velocity exceeds three feet per second.

For new residential structures and substantial improvements to existing structures, there are additional development standards in KCC 21A.24.240.E and G. that have to be met, including elevating the lowest floor to the flood protection elevation anchoring all new construction and substantially improved structures to prevent flotation. There are no additional development regulations for additions, remodels, etc that do not meet the threshold for a substantial improvement.

Substantial improvement is defined in K.C.C. 21A.06.1270 as follows:

A.1. Any maintenance, repair, structural modification, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- a. before the improvement or repair is started; or
- b. if the structure has been damaged and is being restored, before the damage occurred.

If the cost of the proposed addition exceeds fifty percent of the fair market value of the existing home, the substantially improved home would have to be elevated to the flood protection elevation.

As provided in K.C.C. 21A.24.100, critical area review is not required in most critical areas if there is no site disturbance and the work only requires a permit under KCC 16.04 or 17.04 (building and fire). One of the exceptions is if the development proposal is located in a flood hazard area. The department routinely issues mechanical permits and permits for other minor interior improvement to existing homes located in the flood plain and does not require that the work be elevated. However, if the cost of the interior improvements exceeds fifty percent of the fair market value of the existing home, the substantially improved structure would have to be elevated to the flood protection elevation.

A floodplain development permit was added to the flood hazard regulations in 2013 and was intended to be used for activities that occurred within flood hazard areas that did not require a building, grading or other development permit. Construction permits issued by DPER that have gone through flood review are a floodplain development permit and an additional permit would not be required.

Conclusion

If the cost of the proposed addition does not exceed fifty percent of the fair market value of the existing home, the lower floor would not have to be elevated to the flood protection elevation. The applicant would have to demonstrate that the other flood hazard requirements have been met*. The required building permit would be reviewed for compliance with these flood hazard regulations so a separate flood hazard permit would not be required.

*These are as follows: provide compensatory storage in accordance with KCC 21A.24.240.A, submit a base flood depth and velocity analysis prepared in accordance with KCC 21A.24.240.C and obtain a floodplain development permit as provided in KCC 21A.24.271