



## Planning and Building Department

### Memorandum

**To:** Those Interested in Developing within the 100-year Floodplain  
**From:** Scott Whyte, Planning Director *SW*  
**Date:** August 9, 2018  
**Re:** City of Dallas Responsibilities under the NFIP of the FEMA

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The City of Dallas participates in the National Flood Insurance Program (NFIP) which is administered by the Federal Emergency Management Agency (FEMA). Under this program, Dallas is mandated to implement and administer various floodplain management measures intended to meet minimum FEMA standards. These duties include but are not limited to:

- **Requiring permits for all floodplain development.** This duty includes *any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.*
- **Reviewing building permit applications for new construction and substantial improvements within the floodplain and ensuring that specific measures** (e.g., elevation, anchoring, flood-proofing, installation of flood vents, breakaway walls, etc.) **are taken to avoid or reduce flood damage;**
- **Obtaining Elevation and Flood-proofing Certifications** for new development and substantial improvements to existing developments;
- **Ensuring that encroachments into the floodway portion of the 100-year floodplain are prohibited if there would be any increase in flood levels;**
- **Notifying permit applicants that other state and federal permits may be required** (for example, wetland fill permits, permits for work in navigable waterways, etc.) and ensuring that the applicant obtains required state and federal permits;
- **Maintaining permit records and related materials** and ensuring that these documents are available for public, state, and FEMA inspection;
- **Educating local citizens about local flood hazards and local floodplain regulations.**

Those interested in developing property shown to contain a portion of the 100-year floodplain or the floodway are encouraged to consult with Dallas city staff prior to submitting the city *Floodplain Development Permit* application. Depending on circumstances, staff may advise scheduling a Pre-Application Conference (fee of \$150) so that we may better understand the proposal and provide specific comments in writing. In some cases, applicants seeking approval of a *Floodplain Development Permit* may be advised to hire a Certified Floodplain Manager, surveyor or engineer able to prepare hydraulic and hydrologic analysis. In some cases, applicants may also be advised to hire other professionals that perform environmental analysis, including the type of analysis that evaluates impacts to endangered species habitat, consistent with the Endangered Species Act (ESA).

Chapter 2, Section 2.7 of the Dallas Development Code, contains various provisions that respond to the federal mandate, including development standards and approval criteria that require no net loss in flood storage capacity. These standards / approval criteria are available for the public to view on the Dallas city website at [www.dallasor.gov](http://www.dallasor.gov).

Additionally, the process for obtaining a *Floodplain Development Permit* will be subject to a fourteen day notification period by which property owners within 150-feet of the subject property are informed about the proposal. This process (Type 2, also described by Dallas Development Code) is reflective of a decision from 2009 by the Oregon Land Use Board of Appeals (LUBA).

To ensure that minimum FEMA standards are satisfied, or can be satisfied, applicants must first obtain the city *Floodplain Development Permit* prior to the city signing the FEMA community acknowledgement forms associated with Letters of Map Change. This includes the Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Conditional LOMR and Letter of Map Revision-Fill (LOMR-F). A signed community acknowledgement form (especially in response to a fill placement proposal) provides written assurance that the applicant has complied with the appropriate minimum floodplain management requirements. For this reason, approval of the *Floodplain Development Permit* is to be obtained first.

The FEMA forms are further described in the Biological Opinion for FEMA's NFIP in Oregon from NOAA of April 14, 2016, which are available for public view on the following website:

[www.westcoast.fisheries.noaa.gov/publications/habitat/2016\\_04-14\\_fema\\_nfip\\_nwr-2011-3197reducedsize.pdf](http://www.westcoast.fisheries.noaa.gov/publications/habitat/2016_04-14_fema_nfip_nwr-2011-3197reducedsize.pdf)

In part, the Biological Opinion explains the level of ESA analysis expected with the type of Map Change sought.

For additional questions about developing in the 100-year floodplain, please contact the following Dallas city staff:

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