



Key Floodplain Management Issues for Local Officials in Vermont

November 2018

1. **Permitting.** A permit is required for all development in the floodplain. Development includes any human made changes to improved or unimproved real estate, such as filling, dredging, grading, storage of materials, etc. Vermont Statute requires communities to submit floodplain development permit applications to the Agency of Natural Resources for review and comment prior to issuance of a permit. Please contact your Regional Floodplain Manager: bit.ly/flood-manager.
2. **Floodway.** No encroachment such as fill, new construction, substantial improvement of any kind unless there is an analysis that shows no rise - that means NO allowable increase in flood levels.
3. **Inspections.** Buildings during construction should be inspected when the foundation is complete but before the framing to assure the lowest floor including basement will be at or above Base Flood Elevation.
4. **Elevation Certificates.** For all new construction and substantial improvements, we recommend using the FEMA Elevation Certificate completed by a registered land surveyor or professional engineer. All elevations must be on kept on file and using this form assures you have gathered all the necessary information.
5. **Basements.** A basement is an enclosure that is below ground level on all sides. New basements with floors below BFE are **prohibited**.
6. **Enclosures.** Enclosed areas below Base Flood Elevation must be constructed with flood resistant materials, must have flood vents, and the floor must be at or above the exterior grade on at least one side (garage doors and windows do not qualify as flood vents). These enclosures can only be used for storage, access and parking. Utilities such as furnaces, hot water heaters, HVAC and electrical units must be located above the Base Flood Elevation or protected from flood water.
7. **Substantial Improvement or Substantial Damage.** Defined as repairs or improvements valued at 50% or more of the market value of the structure. Substantially damaged or improved structures (including interior improvements) located in a Special Flood Hazard Area (SFHA) must meet the NFIP regulations and local floodplain bylaw.
Note on Substantial Improvement/Damage: It is the responsibility of the local floodplain administrator to determine whether improvements or damages trigger the community's definition of Substantial Improvement. Detailed information is contained in the [FEMA Substantial Improvement/ Damage Desk Reference](#).
8. **SFHAs that do not include base flood elevation in unnumbered A Zones.** Subdivisions and other development proposals exceeding 5 acres or 50 lots in a Zone A area must include a base flood elevation. Your regulations may require it for any new development in a Zone A.
9. **Critical facilities.** Police stations, hospitals, fire stations and other important emergency response and special need facilities should be located outside the Special Flood Hazard Area. They should also be located outside of the 500-year floodplain, also known as the 0.2 percent annual chance flood (represented as Zone X (shaded) or Zone B (shaded) on Flood Insurance Rate Maps.
10. **Variiances.** In general variances should not be granted. Your State NFIP Coordinator or FEMA staff should be consulted before the case is heard by the Development Review Board.
11. **Lowest Floor Elevation.** Requiring lowest floor levels to be elevated one, two, or three feet above the Base Flood Elevation will reduce flood damage and flood insurance premiums for that structure. Lower rates will offset any additional costs of construction.
12. **River Corridors.** Many communities in Vermont now also regulate development in river corridors. If your community has river corridor standards, project review should include findings about river corridor standards and setbacks where appropriate.

Note: These are only the key issues that touch on the basics of the NFIP. Your community may have additional district and hazard standards. The more-strict standards have precedence. Projects need all appropriate state and federal permits before construction.

For more information, please contact your **VT DEC Regional Floodplain Manager:** bit.ly/flood-manager