

# Borough of Sugarcreek Floodplain Management Administrative Procedures: Permitting, Substantial Improvement and Substantial Damage

## **Purpose and Use**

The purpose of this document is to outline how the Borough of Sugarcreek will administer and implement steps to make Substantial Improvement/Substantial Damage (SI/SD) determinations. Communities that participate in the National Flood Insurance Program (NFIP) must adopt and enforce floodplain management regulations that include requirements for SI/SD structures, as defined in 44 CFR 59.1

Improvements to structures in the regulated floodplain that equal or exceed 50% of the market value, including improvements undertaken after being substantially damaged during a disaster, must comply with local floodplain management regulations. This often means that structures cannot simply be rebuilt to pre-damage conditions. Local officials must ensure that all permits issued for reconstruction comply with local regulations.

This document captures all procedures in one easy, accessible place to make the Borough of Sugarcreek more prepared if disaster strikes. This includes plans, procedures, and processes for actions taken pre-disaster (“Blue Skies”), immediately following a disaster event, and post-disaster. This document serves as a plan to be used in both day-to-day SI/SD operations as well as all disaster events, and presidential-declared or non-declared events.

## **Regulations**

SI/SD structures in the Borough of Sugarcreek are defined and regulated according to the following regulations and legislation. These should be referenced to determine the definition of SI/SD and any legal requirements pertaining to post-disaster permitting.

Building Codes	2015 IBC: 104.2.1 2015 IRC: R105.3.1	<a href="#">2015 International Codes Flood Provisions</a>
Zoning/Land Use Ordinance	Ordinance 276: Floodplain Ordinance	<a href="#">Borough of Sugarcreek Floodplain Ordinance</a>

## **Appeals/Variances**

The Borough of Sugarcreek provisions that regulate the appeals process for development in the floodplain and/or SI/SD in its regulations.

- Board of Zoning Appeals – Variances and appeals of requirements of the Floodplain Management Ordinance are heard by the Borough of Sugarcreek Zoning Hearing Board.

[Click here for appeals form.](#) (Fee must be paid prior to a hearing being scheduled)

### **Method for Determining Fair Market Value**

The Borough of Sugarcreek has a methodology for determining the market value of substantially improved structures. The primary method used for determining market value of substantially improved structure is:

- Zoning Officer will check the [Venango County Parcel Viewer](#) for the Fair Market Value of the building only, or request an appraisal from the property owner/applicant.
- If the applicant would like to contest the Assessment Building Value, then they may procure their own appraisal.
  - The appraisal must meet the requirements in Section 4.5.1 of the [Substantial Improvements/Substantial Damage Desk Reference \(fema.gov\)](#).
  - Appraisals shall be within 6 months of application.

### **Method for Determining Cost of Improvement**

The Borough of Sugarcreek has a methodology for determining the cost of improvement or repair of structures. The primary method used for estimating cost of improvement is as follows:

- Zoning Officer will utilize the most recent Building Valuation Data – ICC (iccsafe.org) to determine a value of work based on building types and square footage impacted by proposed work. Optionally, the Zoning Officer can request a detailed cost estimate from the applicant prepared by a professional/licensed professional.
- If the property owner/applicant does not agree with the value of work estimated by the Borough, then they owner/applicant must provide a detailed cost estimate prepared by a professional/licensed professional.
  - To include and exclude items found on: 4-5 to 4-7 [Substantial Improvement/Substantial Damage Desk Reference \(fema.gov\)](#)

Conditions:

- Phased work
  - Phased Improvements: The term “phased improvement” refers to a single improvement that is broken into parts. For a number of reasons, an applicant may wish to schedule anticipated improvements over a period of time, and they may request separate permits for each phase. The floodplain administrator, at their discretion, will ensure that phased improvements do not circumvent the substantial improvement requirements.

## **Method for Determining Cost of Repair/Damage**

The Borough of Sugarcreek has a methodology for determining the cost of improvements or repair of structures. The primary method used for estimating cost of improvement is as follows:

- The Zoning Officer will utilize the most recent Building Valuation Data – ICC ([iccsafe.org](http://iccsafe.org)) to determine a value of work based on building types and square footage impacted by proposed work.
- If the property owner/applicant does not agree with the value of work from the Borough, then the owner/applicant must provide a detailed cost estimate prepared by a professional/licensed professional.
  - To include and exclude items found on: 4-5 to 4-7 [Substantial Improvements/Substantial Damage Desk Reference \(fema.gov\)](#)

## **Permit Process – for Development in the Floodplain (including SI)**

The Borough of Sugarcreek has a process for all development in the floodplain, including existing structures that must be assessed for substantial improvement. The process is as follows:

1. All development in the floodplain requires a permit to be obtained through the Borough of Sugarcreek Zoning Office.
  - a. See here for a [Floodplain Permit Application](#)
  - b. If building permit is submitted without knowing the floodplain implications, then the application will be denied and need to be resubmitted with the [Floodplain Permit Application](#).
2. The Borough of Sugarcreek’s Zoning Officer will review the permit and determine if the proposed work constitutes Substantial Improvement.
  - a. A [Substantial Improvement Worksheet](#) will be done for any building in the floodplain making improvements.
  - b. If it is determined that the improvement on the structure exceeds the value of the structure by 50% or more, then it will be deemed substantially improved and must meet all current floodplain regulations as set forth in the Borough of Sugarcreek Floodplain Ordinance and Building Codes.
    - The Floodplain Administrator or their designee will issue a [Notice of Substantial Improvement Determination](#) Letter.
      - Applicants will need to resubmit building applications to meet the current floodplain regulations for a substantial improvement found in the Borough of Sugarcreek’s Floodplain Ordinance and Building Codes.
      - If the applicant would like to contest the market value, the applicant must submit an appraisal that is no more than 6 months old. If applicant wishes to contest the improvement value, applicant must submit a detailed cost estimate prepared by a professional/licenses professional.

3. If it is determined that the improvement on the structure does NOT exceed the value of the structure by 50%, then it will be deemed non-substantial improvement. The proposed work can proceed as proposed through the permitting process. But if the scope, materials, or budget changes, then a new or revised permit application must be submitted.

### **Substantial Damage – Procedures**

When a flood disaster strikes there are many damage assessments that occur by a variety of federal, state, local, and other organizations to determine response and recovery needs. However, Substantial Damage (SD) Inspections are required by locally adopted regulations, usually found in the building codes, that require the Borough's Building Inspector to make determination of whether the structure is damaged more than 50% of its market value. These SD inspections are required to occur on all structures in the Special Flood Hazard Area (SFHA) and occur when any damage happens. This could be damage attributed to flood, wind, tornado, earthquake, tree, vehicle, fire, etc. Below are the procedures that the Borough of Sugarcreek follows to implement Substantial Damage Determinations.

#### **1. Impact Area(s)**

A process for determining the impact area post-disaster can be found here:

- For flood damage:
    - Borough EMA will report damage to Zoning Officer or Building Official
    - Monitor local news reports and National Weather Service 7 Day Forecast
    - High water marks: If available, may be maintained by the Zoning Officer.
    - Preliminary Damage Assessment (PDA)
      - Borough of Sugarcreek EMA
      - For the purposes of SD Inspections during a wide-scale event inspectors may prioritize any structure categorized as major or destroyed for SD inspections, but follow-up with other properties as time allows.
- PDA are generally categorized by:
- Affected – property damage due to floods (no flood waters in structure)
  - Minor – less than 18" of water on lowest living floor (below receptacles)
  - Major – more than 18" of water on lowest living floor (above receptacles)
  - Destroyed – structures completely flooded up to ceiling, moved off foundation, not on site anymore.

Remember, there are a variety of distinct post-disaster assessments/inspections other than SD.

- Flood Insurance Claims information: If available

- For fire damage:
  - The Rocky Grove Volunteer Fire Department/Reno Volunteer Fire Department will send incident report to the Zoning Officer.

## **2. Inspections**

The Borough of Sugarcreek inspections will be conducted by the Borough's Zoning Officer and the Borough's Building Code Inspector – when safe – to inspect damaged properties and collect SD data. Inspections will be documented on a [SD Worksheet](#).

## **3. SD Determinations**

After staff have conducted inspections and collected data, the Zoning Officer and Building Code Official will make SI/SD determinations, and document on the SD Worksheet. The methods above (Method to Determine Market Value and Method to Determine Value of Improvement/Damage) will be used to determine the market value and value of damage. On the worksheet, the Building Code Official will calculate the % damaged, and maintain record in property file.

## **4. Issuing Determinations**

Communicating SI/SD determinations to affected property owners is required by locally adopted regulations. Determinations are a necessary step to issuing permits for compliant rebuilding and are a requirement for administering a complaint floodplain management program in the Borough of Sugarcreek. In flood events SD Determinations are needed by property owners who maintain flood insurance through the NFIP and would like to access [Increased Cost of Compliance \(ICC\)](#) coverage.

The Borough of Sugarcreek's procedure for communicating the results of the SI/SD determinations to structure owners. The following methods are utilized:

- Letter to structure owners/resident
- Paper handed directly to the structure owner/resident
- Post the determination at a physical property

Letter templates and documents used to notify residents of determination can be found here:

[Notice of Substantial Damage](#)

[Notice of Non-Substantial Damage](#)

## **5. Appeals and Variances**

The Borough of Sugarcreek has a process and other supporting materials for receiving, reviewing, and making decisions on appeals for requesting variances. The process and materials can be found here:

- If a property owner receives a notice of "Substantial Damage" or "Non-Substantial Damage" and disagrees with the market value and/or

damaged/repair value, you can contact the floodplain administrator to discuss the submission of the following documentation.

- See above method for determining Market Value and Method for Determining Value of Improvement/Damage.

## **6. Permitting for Repairs and Rebuilding**

Issuing permits is a regular part of floodplain management but is especially important following a disaster. Repairing and rebuilding substantially damaged structures in compliance with local regulations is critical to maintaining good standing in the NFIP and protecting structure owners from future disasters. Below is the Borough of Sugarcreek's permitting procedures during blue skies, applicable to substantial improvement projects.

## **7. Permitting Procedures**

### Section 3.04 Application Procedures and Requirements

A. Application for such a permit shall be made, in writing, to the Floodplain Administrator on the [floodplain permit application](#) supplied by the Borough of Sugarcreek. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location including address.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost, including a breakout of floodrelated cost and the market value of the building before the flood the flood damage occurred where appropriate.
7. A plan of the site showing the exact size and locations of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
3. Adequate drainage is provided so as to reduce exposure to flood hazards;
4. Structures will be anchored to prevent floatation, collapse, or lateral movement;
5. Building materials are flood resistant;
6. Appropriate practices that minimize flood damage have been used; and
7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

1. A completed permit application form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - a. North arrow, scale and date;
  - b. Topographic contour lines, if available;
  - c. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
  - d. The location of all existing streets, drives, and other access ways; and
  - e. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
  - a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

b. The elevation of the base flood;

c. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.

4. The following data and documentation:

a. Information concerning flood depths, pressures, velocities, impacts and uplift forces and other factors associated with a base flood; and Floodway Area (section 4.02A of Floodplain Ordinance) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.

b. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (section 4.02 B of Floodplain Ordinance) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.

c. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

d. Detailed information needed to determine compliance with Section 5.03F (Floodplain Ordinance), Storage, and section 5.04 (Floodplain Ordinance), Development Which May Endanger Human Life, including:

i. The amount, location and purpose of any materials or substances referred to in Section 5.03F and 5.04 which are intended to be used, produced, stored or otherwise maintained on site.

ii. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 5.04 during a base flood.



e. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

f. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

D. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

#### Section 3.05 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

#### Section 3.06 Review of Application by Others

A copy of all plans and applications for any proposed construction of development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

#### Section 3.07 Changes

After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Floodplain Administrator for consideration.

### **8. SD Data**

The Borough of Sugarcreek process for documenting and storing SD determination data can be found here:

- At the Borough of Sugarcreek's zoning office, Borough of Sugarcreek will maintain this data (SD Worksheets, Letters, etc.) in it's specific property folder and will be maintained by the Zoning Officer.