



July 11, 2025

To: Sam Anselm, City Administrator

From: Emily Gibson, Planning Director/Floodplain Administrator

Re: Floodplain Ordinance Amendment and Administrative Procedures

Executive Summary

The City of West Plains was selected this year by SEMA Floodplain Management for a Community Assistance Visit, the formal audit process for participating communities in the National Flood Insurance Program (NFIP). As a result, there are minor changes to the floodplain ordinance, with the most substantive change being with respect to certain manufactured homes. The revision requires the lowest floor to be one foot (1') above the base flood elevation while previously the requirement was two feet.

Discussion

West Plains has participated in the NFIP since 1981 and has never been suspended. The last formal audit was in 2004 and the last informal Community Assistance Visit was in 2020. The audit process included a detailed review of 18 properties in the city, including three structures that have had repetitive loss claims to FEMA (three in the past 10 years) and one severe (four or more in the past 10 years).

The city adopts the mandatory minimum requirements for participation in the NFIP and reviews floodplain development application permits internally within the planning department as part of the building permitting process. On average, the city receives less than four floodplain development permits per year.

SEMA is also requiring the formal adoption of floodplain administrative procedures. Previously the city has utilized the ordinance as its guiding document, but new requirements include separate procedures. There is no change in how floodplain administration will be overseen in the city.

Fiscal Impact

The city currently operates a floodplain program and the new amendment to the ordinance will not change operations or costs in any way.

BILL NO. 4803

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST PLAINS, MISSOURI, AMENDING CERTAIN PROVISIONS OF CHAPTER 21 (“FLOODPLAIN MANAGEMENT”) TO MEET THE CURRENT MINIMUM REQUIREMENTS FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM AND, FURTHER, ADOPTING FLOODPLAIN STANDARD OPERATING PROCEDURES

Whereas, the City of West Plains has enacted standards and requirements for development and activity within flood hazard areas to effectively manage such areas and to continue eligibility for participation in the National Flood Insurance Program; and

Whereas, the State Emergency Management Agency has suggested that the City amend certain provisions of its floodplain management regulations to comply with the current minimum requirements of the NFIP; and

Whereas, the City Council agrees that participation in the NFIP is prudent and, therefore, wishes to revise its regulations to continue its eligibility.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI, AS FOLLOWS:

Section 1. Section 21-2 of Article II of chapter 21 of the West Plains Municipal Code is hereby amended to read as follows:

CHAPTER 21	FLOODPLAIN MANAGEMENT
ARTICLE II	STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION 21-2 STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in RSMo 77.260 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare of the public. Therefore, the City Council of the City of West Plains, Missouri, ordains as follows and as provided in this Chapter.

Section 2. Section 21-11 of Article IV of Chapter 21 of the West Plains Municipal Code is hereby amended to read as follows:

CHAPTER 21	FLOODPLAIN MANAGEMENT
ARTICLE IV	ADMINISTRATION

SECTION 21-11 DESIGNATION OF A FLOODPLAIN ADMINISTRATOR

The Mayor or his/her designee is hereby appointed to administer and implement the provisions of this ordinance and the provisions of this Chapter.

Section 3. Subsection (c) of Section 21-16 of Article V of Chapter 21 of the West Plains Municipal Code is hereby amended to read as follows: [all other subsections and provisions of Section 21-16 not expressly set forth herein are not amended in any way and remain in full force and effect]

CHAPTER 21 FLOODPLAIN MANAGEMENT

ARTICLE V PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 21-16 MANUFACTURED HOMES

...

- (c) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones, on the community's FIRM, that are not subject to the provisions of section 21-16(b) be elevated so that either:
- (1) The lowest floor of the manufactured home is at one (1) foot above the base flood level; or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Section 4. The City Council hereby adopts the Floodplain Standard Operating Procedures attached hereto as Exhibit A.

Section 5. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 6. This Ordinance shall be in full force and effect from and after the date of its passage by the City Council.

PASSED AND APPROVED THIS _____ DAY OF _____ 20_____

CITY OF WEST PLAINS, MISSOURI

(SEAL)

BY: _____
MAYOR MICHAEL TOPLIFF

ATTEST:

CITY CLERK KELLIE MAYERS

City of West Plains Floodplain Standard Operating Procedures

Rev. July 2025

Floodplain Management Procedures:

All procedures and regulations are hereby established by **44 CFR § 60.3(d)** Floodplain Management Ordinance No. 4675, passed and adopted on January 19, 2021, by the City of West Plains.

Definitions:

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source.

"Special Hazard Area" means an area having special flood hazards and shown on an FHBM or FIRM as zones (unnumbered or numbered) A, AO, AE, or AH.

The floodplain is determined by Flood Insurance Rate Map (FIRM) panel numbers 29091C0244F, 29091C0245F, 29091C0263F, 29091C0264F, 29091C0331F, 29091C0332F, 29091C0334F, 29091C0351F, 29091C0352F, 29091C0353F, and 29091C0354F, dated April 7, 2021, as amended, and any future revisions thereto (Effective Date: April 7, 2021) The maps are available to view at the City Hall.

The City of West Plains Administrator has been given authority to designate the Floodplain Administrator whose duties are as follows:

Duties of Floodplain Administrator:

- Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
- Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
- Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- Issue floodplain development permits for all approved applications;
- Notify adjacent communities and the Missouri State Emergency Management Agency (MoSEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- Assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
- Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
- Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;

- When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a Missouri registered professional engineer or architect.

Requirements for Development Permits in Floodplain Area

- Water course alterations
- New development (residential and non-residential)
- Manufactured homes
- Substantially damaged structures
- Substantially improved structures
- Subdivision
- Filling, grading, channelizing and excavating in the floodplain

Require the following information on Floodplain Development Permits

- Technical documentation
- Permits from other parties or agencies when applicable
- Elevation Certificates
- Floodproofing certificates if applicable
- Plans or blueprints
- Cost analysis for substantial damage or substantial improvement
- Cost of new facilities

Information Required for Floodplain Permits

- A Floodplain Development Permit is necessary for any development in the floodplain
- An NFIP Elevation Certificate signed by a professional engineer, surveyor, or architect showing the elevation of the site and of the lowest floor, which must be two feet above the Base Flood Elevation (BFE) for new or substantially damaged or improved structures
- Wet floodproofing may be allowed for accessory structures used solely for parking, building access, or limited storage with proper entry and exit for flood water, and constructed with water resistant materials
- If dry floodproofing is used for non-residential structures, a certificate must be signed by a professional engineer
- Site information needed includes elevation data, property lines, location of streets and placement of structures
- Building plans should include type of structure, use placement of lowest floor, details of construction, new or add-on construction, type of materials, anchoring requirements, any other data pertinent to the construction

Permit Review Process

- Floodplain Development Permit applications are to be submitted to the Floodplain Administrator for review
- Floodplain Administrator will review the permit to ensure the required information is listed
- Floodplain Development Permits will be approved or denied and signed by the Floodplain Administrator

Inspection

- First inspection will be to confirm if the site information and data conform to requirements
- Second inspection will determine if the lowest floor elevation conforms with Base Flood Elevation requirements and construction is proceeding according to the submitted plans
- Third inspection will determine if construction complied with the plans including, but not limited to anchoring, openings, materials, etc.

Enforcement Actions

Should a permit applicant desire to appeal the decision of the City's Floodplain Administrator, they may plead to the Appeal Board of the City of West Plains. The Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirements, decision or determination made by the Floodplain Administrator in the enforcement or administration of the ordinance.

Any person aggrieved by the decision of the Board of Appeals may appeal such decision to the Circuit Court of Howell County, Missouri, as provided in Section 89.110, RSMo. When violations occur, the person will be informed verbally. If no action is taken to remedy the violation, the person will be informed in writing by certified mail of the specific violation and given a reasonable time frame to correct deficiencies. Possible penalties may include stop work orders, fines, revoking permits, or a combination of these activities.

Variances

Floodplain Management Variance Criteria: In passing upon such applications, the Board of Appeals shall consider all technical data and evaluations, all relevant factors, standards specified in the Floodplain Management Ordinance, and the following criteria:

- Danger to life and property due to flood damage;
- Danger that materials may be swept onto other lands to the injury of others;
- Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- Importance of the services provided by the proposed facility to the community;
- Necessity to the facility of a waterfront location, where applicable;
- Availability of alternative locations, not subject to flood damage, for the proposed use;
- Compatibility of the proposed use with existing and anticipated development;
- Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- Safety of access to the property in times of flood for ordinary and emergency vehicles;
- Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
- Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

Conditions for Variances

- Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- Variances may be issued for the repair or rehabilitation of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.
- Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- Variances shall only be issued upon: (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- A community shall notify the applicant in writing over the signature of a community official that (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
- A community shall maintain a record of all variance actions, including justification for their issuance.
- Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of items 1 through 5 of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Determinations for Variances

- Showing of good and sufficient cause;
- A determination that failure to grant the variance would result in exceptional hardship to the applicant
- A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Conditions for Approving Accessory Structure Variances

- Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in the Floodplain Management Ordinance.
- In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.
- Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
- For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials.
- The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions.
- The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters.
- Equipment, machinery, or other contents must be protected from any flood damage.
- No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
- A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property.

Appeals

Once the request for a variance is heard, it must be either granted or denied. If the variance is denied, then the property owner has the right to appeal that administrative decision to Howell County Circuit Court.

Record Keeping

The City of West Plains Floodplain Administrator will establish and maintain a file of records pertaining to floodplain management in the City Hall, both blank and completed forms, including but not limited to development permits, elevation certificates, floodproofing certificates, and variance forms.

Maps

The City will keep on file the applicable NFIP map panel for the City of West Plains.

Investigate Complaints

The Floodplain Administrator or his/her designee is responsible for investigating all complaints regarding relating to the provisions of Chapter 21 ("Floodplain Management") of the Municipal Code unless another body, board or entity has jurisdiction with respect to a specific complaint. The Floodplain Administrator, except for good cause, should investigate all complaints within one week of receiving the complaint.

Damage Assessment

In the event of a major flood or rainfall event which affects numerous structures, the Floodplain Administrator will conduct the following damage assessment procedures:

- Compile a listing of all flood damage structures
- Inspect each structure for extent of damages
- Make a detailed list of damages such as foundations, basements, floors, walls, cabinets, built-in appliances, furnaces, air conditioners, roofs, and any other damages that can be determined
- Attempt to ascertain a total damage cost for each facility
- Request the market value of each structure from the Howell County Assessor
- Make a determination of substantial damage by comparing cost of repair to the market value
- Use the permit procedures for all applications for repair or construction

Appendices

Attached to this document are the forms to be used in implementing this procedure:

- Floodplain Development Permit/Application
- Elevation Certificate
- Floodproofing Certificate
- Floodplain Variance Request form

Accepted by the West Plains City Council

Date: _____

Signature: _____
Mayor

Signature: _____
City Clerk