OHIO COASTAL MANAGEMENT PROGRAM
POLICY 3 – FLOODPLAIN MANAGEMENT

IT IS THE POLICY OF THE STATE OF OHIO TO MINIMIZE FUTURE FLOOD DAMAGES AND PREVENT POTENTIAL LOSS TO EXISTING DEVELOPMENT IN COASTAL FLOODPLAINS BY:

A. REQUIRING ALL COUNTIES AND MUNICIPALITIES WITH COASTAL FLOOD HAZARD AREAS TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM OR TO ADOPT ORDINANCES MEETING OR EXCEEDING PROGRAM STANDARDS (O.R.C. 1506.04 AND O.A.C. 1501:22-1-01 THROUGH 1501:22-1-08);

B. REQUIRING THAT ANY STATE FUNDED OR FINANCED DEVELOPMENT LOCATED WITHIN THE 100-YEAR FLOODPLAIN COMPLY WITH THE FLOODPLAIN MANAGEMENT CRITERIA OF THE NATIONAL FLOOD INSURANCE PROGRAM. ANY STATE AGENCY HAVING REGULATORY JURISDICTION THAT PREEMPTS THE AUTHORITY OF POLITICAL SUBDIVISIONS TO REGULATE DEVELOPMENT IN FLOODPLAINS SHALL ENSURE THAT BEFORE GRANTING A LICENSE, PERMIT, OR OTHER AUTHORIZATION, THE DEVELOPMENT COMPLIES WITH THE NATIONAL FLOOD INSURANCE PROGRAM CRITERIA (O.R.C. 1521.14);

C. REQUIRING THAT NO STATE FINANCIAL ASSISTANCE IN CONNECTION WITH A FLOOD DISASTER SHALL BE DISBURSED TO OR WITHIN ANY COUNTY OR MUNICIPALITY THAT DOES NOT COMPLY WITH THE FLOODPLAIN MANAGEMENT CRITERIA OF THE NATIONAL FLOOD INSURANCE PROGRAM (O.R.C. 1521.14); AND

D. REQUIRING THAT ALL STATE AGENCY AND POLITICAL SUBDIVISIONS, PRIOR TO EXPENDITURE OF FUNDS FOR CONSTRUCTION OF BUILDINGS, STRUCTURES, ROADS, BRIDGES, OR OTHER FACILITIES IN LOCATIONS THAT MAY BE SUBJECT TO FLOODING OR FLOOD DAMAGE, NOTIFY AND CONSULT WITH THE DIVISION OF WATER AND SHALL FURNISH SUCH INFORMATION AS THE DIVISION MAY REASONABLY REQUIRE IN ORDER TO AVOID THE UNECONOMIC, HAZARDOUS OR UNNECESSARY USE OF FLOODPLAINS IN CONNECTION WITH SUCH FACILITIES (O.R.C. 1521.14).

Authorities and Administration

A. O.R.C. 1506.04 mandates that all communities with coastal flood hazard areas designated under the Flood Disaster Protection Act of 1973 (P.L. 93-234) must either participate in the NFIP or enact regulations that meet or exceed the standards required for such participation (O.R.C. 1506.04). These standards are set forth in O.A.C. 1501:22-1-01 through -08 (see Appendix I). The law further states that, if the Director of ODNR determines that a county or municipality is in violation of this requirement, the director may request that the Attorney General bring an

action for appropriate relief against the noncompliant community. The director may also request that an action be brought against any developer conducting a development activity in a designated flood hazard area within a county or municipal jurisdiction not in compliance with O.R.C. 1506.04. Table 1 lists all communities in the coastal area with such identified floodplain areas and indicates their participation in the NFIP. All Ohio coastal area communities with identified floodplain areas either participate in the NFIP, or have adopted floodplain management ordinances which comply with the standards of that program.

Nonparticipation in the NFIP results in restrictions on federal or federally related financing within the flood hazard areas. Most importantly, nonparticipating community residents will not be eligible to purchase flood insurance, no federal grants or loans for buildings within flood hazard areas will be made and most forms of federal disaster assistance will not be available following flood disasters. ODNR is the designated state agency responsible for coordinating floodplain management activities with federal, state and local governments (O.R.C. 1521.03(C) and (D)). Local communities will be given assistance in developing acceptable floodplain management regulations by the ODNR's Division of Water.

Local governments may grant variances to their floodplain regulations only when the strict enforcement of such regulations due to physical conditions of the land would cause undue hardship for landowners. Requests for relief from local floodplain regulations must be made to the locally designated variance body. Variances granted by local governmental units must conform to state law and the intent of federal laws and programs, including the NFIP where applicable.

B. State agencies that undertake, fund or finance developments located in floodplain areas must ensure that such projects or activities are consistent with the NFIP standards (O.R.C. 1521.14). This requirement extends to activities permitted by state agencies where state law preempts local governments from setting flood damage prevention standards. O.R.C. 1521.14 further stipulates that the state develop flood damage reduction standards that shall be consistent with the floodplain management criteria of the NFIP. ODNR provides technical assistance and guidance to state agencies to ensure that such projects meet these criteria. The Director of ODNR may request the Attorney General to bring civil action for injunctive relief against any state agency that violates the statute (O.R.C. 1521.14).

C. O.R.C. 1521.14 requires that state disaster funds in connection with a flood be withheld from a "noncompliant" community until the community takes action to establish or re-establish compliance. A community is considered "noncompliant" if it either does not participate in the NFIP or has not adopted local floodplain regulations that are consistent with that program. All Ohio coastal communities are listed as compliant by the State of Ohio.

D. As provided in O.R.C. 1521.14, all departments and agencies of the state, and local governmental units, prior to expenditure of funds for, or construction of buildings, structures, roads, bridges or other facilities in locations that may flood, shall notify and consult with the Division of Water to avoid unwise floodplain use. Recommended Division of Water floodplain regulation criteria are based on a 100-year level of flood protection for most developments.

However, certain critical developments, which if flooded would create an added dimension to a potential flood disaster, need to be protected to the 500-year flood.

TABLE 1

Table 1 has been removed so that outdated information is not provided to readers of this Document. In order to view the most complete and accurate list of communities participating in the National Flood Insurance Program, please visit the ODNR Division of Water's website at www.ohiodnr.com/water.