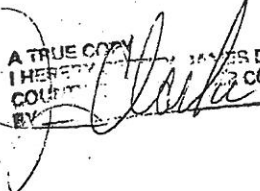


REGULATIONS FOR FLOOD PLAIN MANAGEMENT

WALKER COUNTY, TEXAS

OUTLINE

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COUNTY  
BY  JAMES D. PATTON  
COUNTY DEPUTY

REGULATIONS FOR FLOOD PLAIN MANAGEMENT

WALKER COUNTY, TEXAS

UNINCORPORATED AREAS

For information or applications

Contact: Walker County Utility Inspector  
Walker County

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HEREBY  
COMPLIES  
BY

JAMES D. PATTON  
COUNTY  
DEPUTY

AN ORDER ESTABLISHING A DEVELOPMENT PERMIT SYSTEM AND ADOPTING REGULATIONS REQUIRING DEVELOPMENT PERMITS FOR CONSTRUCTION IN FLOOD PLAIN AREAS HAVING SPECIAL FLOOD HAZARDS, PROVIDING FOR REVIEW OF SUBDIVISIONS, PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF THE REGULATIONS, AND MAKING PROVISIONS RELATED TO DEVELOPMENT WITHIN THE COUNTY'S DESIGNATED FLOOD PLAINS

STATE OF TEXAS:

COUNTY OF WALKER:

WHEREAS, the Commissioners Court of Walker County is the governing body of Walker County, Texas;

WHEREAS, the County of Walker wishes to establish eligibility in the National Flood Insurance program and in order to do so must meet the minimum requirements of Section 60.3 (b) of the Program Regulations as published by the Federal Emergency Management Agency, and;

WHEREAS, under the National Flood Insurance Act of 1968, as amended, residents of Walker County can qualify for flood insurance coverage if Walker County adopts and enforces flood plain management criteria consistent with the need to establish minimum development standards within unincorporated land areas designated as flood prone by the Federal Emergency Management Agency-Texas Water Commission and/or Walker County;

WHEREAS, under Subchapter I, Section 16.313 of the Texas Water Code, counties are defined as authorized political subdivisions of the State;

WHEREAS, under Subchapter I, Section 16.315 of the Texas Water Code, all political subdivisions are authorized to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program;


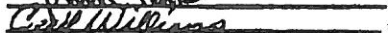



WHEREAS, the Commissioners Court desires to establish a development permit system and draft regulations to implement and enforce the system to qualify and maintain the eligibility of residents in the unincorporated areas of Walker County to purchase federal flood insurance;

WHEREAS, the development permit system and regulations as drafted, require certain duties of officials of Walker County and;

WHEREAS, the Commissioners Court of Walker County has considered the regulations as drafted and desires to adopt them as the official flood plain management regulations of Walker County, and;

WHEREAS, a copy of the regulations as drafted are attached hereto, and are by reference incorporated in, and made a part of, this Court Order;

NOW, THEREFORE, on this 4th day of May, 1987, in a meeting of the Commissioners Court of Walker County, Texas, duly convened and acting in its capacity as governing body of Walker County, the following members being present:

	County Judge
	Commissioner, Precinct No. 1
	Commissioner, Precinct No. 2
	Commissioner, Precinct No. 3
	Commissioner, Precinct No. 4

on motion of Commissioner Joe Malak, seconded by Commissioner Sam Park, duly put and carried, it is ORDERED by the Commissioners Court of Walker County, Texas that the regulations attached and appended hereto, entitled "REGULATIONS FOR FLOOD PLAIN MANAGEMENT, WALKER COUNTY, TEXAS" are made a part of this Order and are adopted as the regulations of Walker County, and all officials of Walker County having duties under said regulations are ORDERED and DIRECTED to perform such duties as required of them under said regulations.

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HEREBY  
COUNTY  
BY  D. PATTON  
DEPUTY

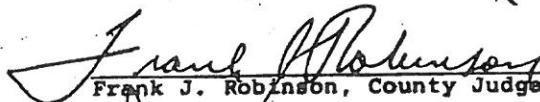
**CERTIFICATION**

It is hereby found and declared by Walker County that  
(local unit).


severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that these regulations become effective immediately.

Therefore, an emergency is hereby declared to exist, and these regulations being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Adopted this 4 day of May, 1987, A.D. by vote of the Walker County Commissioners Court, Huntsville, Texas. There were 5 ayes and 0 nays.

  
Frank J. Robinson, County Judge


  
Sam Park, Commissioner, Pct. 1

  
Cecil Williams, Commissioner, Pct. 2

  
Curtis Ellisor, Commissioner, Pct. 3

  
Joe Malak, Commissioner, Pct. 4

ATTEST:

  
James D. Patton, County Clerk

A TRUE COPY  
I HEREBY CERTIFY  
COUNTY CLERK  
BY  JAMES D. PATTON  
COUNTY CLERK  
DEPUTY



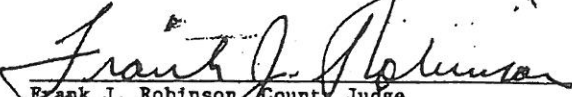
**CERTIFICATION**

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(local unit)


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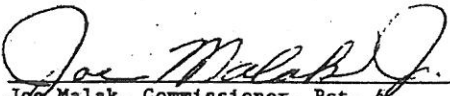
Adopted this 8th day of September 1987, A.D. by vote of the Walker County Commissioners Court, Huntsville, Texas. There were \_\_\_\_\_ yes and \_\_\_\_\_ nays.

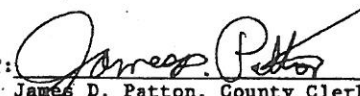
  
Frank J. Robinson, County Judge

  
Sam Park, Commissioner, Pct. 1

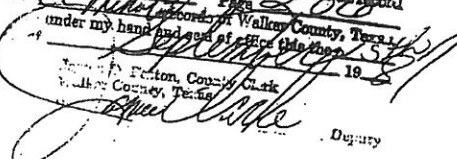
  
Cecil Williams, Commissioner, Pct. 2

  
Curtis Ellisor, Commissioner, Pct. 3

  
Joe Malak, Commissioner, Pct. 4

ATTEST:   
James D. Patton, County Clerk

REVISED SEPTEMBER 8, 1987

STATE OF TEXAS  
COUNTY OF WALKER  
James D. Patton, County Clerk of Walker County, Texas,  
hereby certify that the foregoing is a true and correct  
copy of the original record and as same appears on record  
of the County of Walker, Texas.  
under my hand and seal of office this 8th day of September 1987.  
James D. Patton, County Clerk  
Walker County, Texas  
  
Deputy

REGULATIONS FOR FLOOD PLAIN MANAGEMENT

WALKER COUNTY, TEXAS

UNINCORPORATED

ARTICLE 1

ESTABLISHMENT OF REGULATIONS

SECTION 1:01 - PURPOSE

The purpose of these regulations is to provide flood plain management standards to qualify unincorporated areas of Walker County for flood insurance coverage under the National Flood Insurance Act of 1968, as amended.

SECTION 1:02 - AUTHORITY

These regulations are adopted by the Commissioners Court of Walker County, Texas acting in its capacity as the governing body of Walker County. County is a "political subdivision" as defined in Subchapter 1, Section 16.313 of the Texas Water Code and as authorized under Sections 16.315 and 16.318 of the Texas Water Code may adopt and promulgate reasonable rules and regulations which are necessary for the orderly effectuation of the respective authorizations herein.

SECTION 1:03 - ABROGATION AND GREATER RESTRICTIONS

This court order is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this court order and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 1:04 - INTERPRETATION

In the interpretation and application of this court order, all provisions shall be: (a) considered as minimum requirements; (b) liberally construed in favor of the County; and (c) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 1:05 - SEVERABILITY

It is hereby declared to be the intention of the Court that the sections, paragraphs, sentences, clauses and phrases of this Court Order are severable, and if any section, paragraph, sentence, clause or phrase of this Order shall be declared void, ineffective or unconstitutional by the valid judgement or final decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases hereof, since the same would have been enacted by this Court without the incorporation herein of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 1:06 - ENFORCEMENT | PENALTIES

Any violation of this Court Order is a Class C Misdemeanor. Each day a violation occurs is a separate offense. The Commissioners Court may file suit for injunctive relief or civil penalties or both for any violation or threatened violation of this Court Order.

SECTION 1:07 - WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Court Order is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Court Order does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Court Order shall not create liability on the part of Walker County or any officer or employee thereof for any damages that result from reliance on this Court Order or any administrative decision lawfully made thereunder.

ATTEST  
THE CLERK  
JAMES D. PATTON  
WALKER COUNTY  
DEPUTY

**ARTICLE 2**  
**DEFINITIONS**

Unless specifically defined below, words or phrases used in this court order shall be interpreted to give them the meaning they have in common usage and to give this court order its most reasonable application.

**Section 2:01**

**APPEAL** - means a request for a review of the Flood Plain Administrator's interpretation of any provision of this court order or a request for a variance.

**Section 2:02**

**AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Insurance Rate Map (FIRM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AU, AI-99, VO, VI-30, VE or V.

**Section 2:03**

**BASE FLOOD** - means the flood having a one percent chance of being equalled or exceeded in any given year.

**Section 2:04**

**CRITICAL FEATURE** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**Section 2:05**

**DEVELOPMENT** - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Section 2:06**

**ELEVATED BUILDING** - means a nonbasement building (i) built, in the case of a building in Zones AI-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones VI-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones AI-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones VI-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

**Section 2:07**

**EXISTING CONSTRUCTION** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**Section 2:08**

**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 or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**Section 2:09**

**Flood Insurance Rate Map (FIRM)** - means an official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.

Section 2:10  
**FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

Section 2:11  
**FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Section 2:12  
**LEVEE** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Section 2:13  
**LEVEE SYSTEM** - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Section 2:14  
**LOWEST FLOOR** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Section 2:15  
**MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Section 2:16  
**MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Section 2:17  
**NEW CONSTRUCTION** - means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

Section 2:18  
**START OF CONSTRUCTION** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

A TRUE COPY  
HEREBY CERTIFY, JAMES D. PATTON  
COUNTY CLERK WALKER COUNTY  
BY \_\_\_\_\_ DEPUTY

Section 2:19

**STRUCTURE** - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Section 2:20

**SUBSTANTIAL IMPROVEMENT** - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Section 2:21

**VARIANCE** - is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Section 2:22

**VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Section 2:23

**WATER SURFACE ELEVATION** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

A TRUE COPY  
I HEREBY CERTIFY, JAMES D. PATTON  
COUNTY CLERK WALKER COUNTY  
DEPUTY

### ARTICLE 3

#### GENERAL PROVISIONS

##### SECTION 3:01 - LANDS TO WHICH THIS COURT ORDER APPLIES

This Court Order shall apply to all areas of special flood hazard within the jurisdiction of Walker County.

##### SECTION 3:02 - BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

Areas of special flood hazard are identified on the Walker County Flood Insurance Rate Map (FIRM), Community No. 481042, dated May 1, 1987, published by the Federal Insurance Administration. These maps and any revisions thereto are hereby adopted by reference and declared to be a part of this Court Order.

##### SECTION 3:03 - ESTABLISHMENT OF DEVELOPMENT PERMIT SYSTEM

A Development Permit System is hereby established to ensure compliance with the provisions of this Court Order. This system will consist of a County-wide Application Review Procedure and the issuance of Class B permits only for those developments located within the identified flood hazard areas. Developments located outside of identified flood hazard areas will be given a Class A permit stating that the proposed development is not located within an identified flood hazard area and that the construction standards contained in this Court Order are not applicable to the proposed development.

##### SECTION 3:04 - COMPLIANCE

No structure or land in the unincorporated areas of Walker County shall hereafter be located, altered or have its use changed without first submitting a Development Permit Application Form to the County Administrator. A county-wide application system is a necessary and reasonable action to insure that all necessary permits for development within identified flood hazard areas have been obtained. Additional flood plain data may be generated which will improve the accuracy of flood plain boundary identification. Since the county will constantly be aware of map changes and additional data, the final responsibility for determining whether a property or development is within an identified flood hazard area must rest with the county. Special Flood Hazard Boundary Maps published by the Federal Insurance Administration delineate only the major flood prone areas within the county. With a county-wide review procedure, the County Administrator may be able to make recommendations for construction standards which will minimize or eliminate the possibility of damage from a localized drainage problem.

##### SECTION 3:05 - DEVELOPMENT PERMIT APPLICATION FORM

##### SECTION 3:06 - DEVELOPMENT PERMIT FORM

##### SECTION 3:07 - DEVELOPMENT PERMIT EXEMPTION CERTIFICATE

##### SECTION 3:08 - PROMULGATION OF FORMS

The County Commissioners Court with the assistance of the County Administrator will promulgate any additional forms as may be necessary for the implementation of this Court Order.

##### SECTION 3:09 - ESTABLISHMENT OF FEES

The Commissioners Court with the assistance of the County Administrator will establish fees commensurate with the service rendered by the county.

##### SECTION 3:10 - UNRESTRICTED USES OF THE FLOOD HAZARD AREA

3:10 (a) - Development for agricultural purposes which is constructed to standards of the United States Department of Agriculture, Soil Conservation Service.



COUNTY OF WALKER , TEXAS  
DEVELOPMENT PERMIT APPLICATION FORM

OUTSIDE CORPORATED AREAS

STATE OF TEXAS  
COUNTY OF WALKER

APPLICATION NUMBER \_\_\_\_\_ :

DATE: \_\_\_\_\_

1. NAME OF APPLICANT: \_\_\_\_\_

MAILING ADDRESS : \_\_\_\_\_

2. LOCATION OF PROPERTY (complete as appropriate)  
If located in a subdivision:

Name of Subdivision Section No. Block No. Lot No.

If NOT located in subdivision:

Name & No. of Survey/Abstract Acreage

Location Description - (Attach a vicinity map)

3. NATURE OF PROPOSED CONSTRUCTION (check and complete as appropriate)

- ☐ Residential ☐ Non-Residential ☐ Other  
☐ Alteration of a Natural Waterway or Drainage Course  
☐ Placement of Fill

4. DESCRIPTION OF PROPOSED CONSTRUCTION (check and complete as appropriate)

- ☐ New Construction ☐ Substantial Improvement to Existing Structure  
☐ House ☐ Mobile Home ☐ Non-Residential \_\_\_\_\_  
☐ Commercial \_\_\_\_\_ (Specify)  
\_\_\_\_\_  
(Name and Type of Business)  
☐ Other \_\_\_\_\_

5. APPLICANT WILL PROVIDE ONE COPY OF PLANS AND SPECIFICATIONS OF THE PROPOSED CONSTRUCTION.

=====

FOR USE BY COUNTY FLOOD PLAIN ADMINISTRATOR

IS THE PROPERTY LOCATED IN AN IDENTIFIED FLOOD HAZARD AREA?

☐ YES ☐ NO

IS ADDITIONAL INFORMATION REQUIRED? ☐ YES ☐ NO

ARE OTHER FEDERAL, STATE OR LOCAL PERMITS REQUIRED? ☐ YES ☐ NO

ARE OTHER COUNTY REGULATIONS APPLICABLE? ☐ YES ☐ NO

- ☐ EXEMPTION CERTIFICATE ISSUED  
☐ PERMIT APPLICATION APPROVED  
☐ PERMIT APPLICATION REJECTED

DATE \_\_\_\_\_

Signature of County Flood Plain Administrator

A TRUE COPY  
I HEREBY CERTIFY, JAMES D. PATTON  
COUNTY CLERK, WALKER COUNTY  
TX

COUNTY OF WALKER , TEXAS

CLASS B

DEVELOPMENT PERMIT  
OUTSIDE CORPORATED AREAS

STATE OF TEXAS :  
COUNTY OF WALKER :

APPLICATION NO. \_\_\_\_\_:

PERMIT NO. \_\_\_\_\_:

NAME OF PERMITTEE \_\_\_\_\_

THE ABOVE NAMED PERMITTEE APPLIED FOR A DEVELOPMENT PERMIT ON \_\_\_\_\_  
THE APPLICATION HAS BEEN REVIEWED BY THE COUNTY FLOOD PLAIN ADMINISTRATOR AND IT IS  
HIS DETERMINATION THAT THE PROPOSED DEVELOPMENT APPEARS TO BE LOCATED WITHIN AN  
IDENTIFIED FLOOD PLAIN OF WALKER COUNTY, TEXAS.

THE COUNTY FLOOD PLAIN ADMINISTRATOR HAS REVIEWED PLANS AND SPECIFICATIONS OF THE  
PROPOSED DEVELOPMENT FOR CONFORMANCE WITH THE DEVELOPMENT STANDARDS REQUIRED BY  
WALKER COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS. YOU ARE HEREBY AUTHORIZED TO  
PROCEED WITH THE FOLLOWING DESCRIBED WORK:

ON THE FOLLOWING DESCRIBED PROPERTY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO MAINTAIN COMPLIANCE WITH THE DEVELOPMENT STANDARDS OF WALKER COUNTY FLOOD PLAIN  
MANAGEMENT REGULATIONS AND TO ELIMINATE OR MINIMIZE FLOOD DAMAGE POTENTIAL TO THE PRO-  
POSED DEVELOPMENT, YOU ARE HEREBY DIRECTED TO CONSTRUCT YOUR PROPOSED DEVELOPMENT IN  
ACCORDANCE WITH THE FOLLOWING SPECIAL PROVISIONS:

- ( ) For residential structures, the lowest floor (including basement) must be elevated  
to \_\_\_\_\_ feet mean sea level.
- ( ) For non-residential structures, the lowest floor (including basement) must be  
elevated or floodproofed to \_\_\_\_\_ feet mean sea level.
- ( ) Permittee must submit a certification from a registered professional engineer,  
architect or land surveyor that the finished floor level of the residential  
structure has been constructed at the specified elevation.
- ( ) For non-residential floodproofing, a registered professional engineer or architect  
must certify that the floodproofing methods are adequate to withstand the flood  
depths, pressures, velocities, impact and uplift forces and other factors asso-  
ciated with the base flood.
- ( ) The foundation of the structure must, as a minimum, comply with the specifications  
attached.
- ( ) The materials used in the structure must be from the list attached.
- ( ) The water supply inlet and sanitary sewage outlet must have an automatic back  
water or back flow device installed.
- ( ) Provide a certified copy of all final plans or as-built drawings to the County  
Flood Plain Administrator.
- ( ) Other provisions (see attached list)

\_\_\_\_\_  
Acknowledgement of conditions by permittee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of County Flood Plain Administrator

\_\_\_\_\_  
Date

A TRUE COPY  
I HEREBY CERTIFY, JAMES D. PATTON  
COUNTY CLERK, WALKER COUNTY  
BY \_\_\_\_\_ DEPUTY



COUNTY OF WALKER , TEXAS

CLASS A

DEVELOPMENT PERMIT EXEMPTION CERTIFICATE

STATE OF TEXAS :  
COUNTY OF WALKER :

APPLICATION NO. \_\_\_\_\_:

NAME OF APPLICANT \_\_\_\_\_

THE ABOVE NAMED APPLICANT APPLIED FOR A DEVELOPMENT PERMIT ON \_\_\_\_\_  
THE APPLICATION HAS BEEN REVIEWED BY THE COUNTY FLOOD PLAIN ADMINISTRATOR AND IT IS HIS  
DETERMINATION THAT THE PROPOSED DEVELOPMENT APPEARS NOT TO BE WITHIN AN IDENTIFIED  
FLOOD PLAIN OF WALKER COUNTY.

THIS CERTIFICATE EXEMPTS THE APPLICANT FROM DEVELOPMENT STANDARDS REQUIRED BY Walker  
COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS. WORK IS HEREBY AUTHORIZED TO PROCEED ON THE  
FOLLOWING DESCRIBED PROPERTY:  
\_\_\_\_\_  
\_\_\_\_\_

THE COUNTY FLOOD PLAIN ADMINISTRATOR HAS REVIEWED THE PLANS AND SPECIFICATIONS OF THE  
PROPOSED DEVELOPMENT AND DESIRES TO MAKE THE FOLLOWING RECOMMENDATIONS FOR DEVELOPMENT  
OR DESIGN ALTERATION:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WARNING:**

The flood hazard boundary maps and other flood data used by the County Flood Plain  
Administrator in evaluating flood hazards to proposed developments are considered  
reasonable and accurate for regulatory purposes and are based on the best available  
scientific and engineering data. On rare occasions, greater floods can and will occur  
and flood heights may be increased by man-made or natural causes. This exemption cer-  
tificate does not imply that developments outside the identified areas of special  
flood hazard will be free from flooding or flood damage. Issuance of this exemption  
certificate shall not create liability on the part of the County or the County Flood  
Plain Administrator or any officer or employee of Walker County in the event flood-  
ing or flood damage does occur.

\_\_\_\_\_  
Acknowledgement of Warning by Applicant

\_\_\_\_\_  
Signature of County Flood Plain Administrator

Date of issuance \_\_\_\_\_

3:10 (b) - The following uses having a low flood-damage potential shall be permitted to the extent that they cause no obstruction of flood flows, are not prohibited by any other court order, and provided that they do not require the construction of structures, placement of fill, alteration of stream channels or storage of materials or equipment.

- (1) - Other agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, sod farming, game farming and fish hatcheries.

Categorized under general farming are temporary structures such as animal pens, cribs, temporary crop covers, machinery storage sheds, wells and well installations primarily for stock or crop use, open wire fences such as stranded barbed wire and wire netting sheep and goat fences and, in general, any type of open agricultural fence (break-away wire gaps should be provided on all fences crossing streams or drainage channels.)

- (2) - Private and public recreational uses such as golf courses, picnic grounds, parks, wildlife and nature preserves, target ranges, hunting and fishing areas, hiking, bike and horseback riding trails.
- (3) - Residential uses such as lawns, gardens, parking areas, and play areas. Lawn or yard fences such as chain link or wooden privacy fences will not be permitted to cross stream channels or drainage easements unless provisions are made for the unobstructed passage of flood water flows.
- (4) - Other similar uses which are consistent with the provisions of this Court Order.

#### SECTION 3:11 - RESTRICTED USES OF THE FLOOD HAZARD AREA

3:11 (a) - Any development in the flood hazard area not classed as an unrestricted use shall be considered a restricted use and shall require a County Development Permit.

3:11 (b) - Agricultural development for which a permit will be required will, for most farm and ranch operations, be limited to residential structures and large permanent barns, shops, poultry facilities and other similar structures which are proposed for construction in the identified flood hazard area.

3:11 (c) - Certain uses of the flood plain may not be appropriate, and the County Administrator may deem it necessary to restrict or prohibit uses that are dangerous to health, safety or property in times of flood. These uses may include, but are not limited to, the following:

- (1) - Hospitals, nursing homes and any other facility where elderly or invalid persons reside.
- (2) - Boarding schools, orphanages and any other facility where young children reside.
- (3) - Detention facilities, sanitariums and any other facility where movements of persons may be restricted.
- (4) - Refuge center, disaster relief centers, disaster shelters and any other operation which may be utilized during times of emergency.
- (5) - Permanent storage of materials or equipment.

A TRUE COPY  
I HEREBY CERTIFY, JAMES D. PATTON  
COUNTY CLERK WALKER COUNTY  
BY \_\_\_\_\_ DEPUTY

3:11 (d) - Until a floodway is determined for streams in the county, the County Administrator may deem it necessary to make a preliminary determination of the area of the stream needed to pass the 100-year flood flows. Certain uses are not appropriate within a floodway where extreme velocities and flood depths pose serious threats to life and property, and the County Administrator may deem it necessary to restrict or prohibit uses that are dangerous to health, safety, property or which may cause an increase in flood heights. These uses include, but are not limited to:

- (1) - Land fills and obstructive structures.
- (2) - Floatable storage.
- (3) - Disposal of garbage, rubbish or trash.
- (4) - And other uses as may be restricted or prohibited under Section 3:11 (c).

#### ARTICLE 4

##### ADMINISTRATION

###### SECTION 4:01 - DESIGNATION OF COUNTY FLOOD PLAIN ADMINISTRATOR

The Office of Flood Plain Administrator is hereby created by the Walker County Commissioners Court to administer and implement the provisions of this Court Order.

Walker County Utility Inspector is hereby appointed to the Office of Flood Plain Administrator and is directed to assume full responsibility for this post in addition to any other normal duties.

###### SECTION 4:02 - DUTIES AND RESPONSIBILITIES OF THE COUNTY ADMINISTRATOR

Duties and responsibilities of the County Flood Plain Administrator shall include, but are not limited to, the following:

4:02 (a) - Maintain and hold open for public inspection all records pertaining to the provisions of this Court Order;

4:02 (b) - Maintain a repository of flood hazard boundary maps and any other pertinent flood plain data;

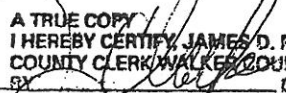
4:02 (c) - Assist county residents in obtaining flood hazard boundary map amendments where flood plain data justifies such an amendment and maintain a record of such amendments;

4:02 (d) - Upon occurrence, notify the Federal Insurance Administration in writing whenever a community incorporates from the county or if an area of the county is no longer under the jurisdiction of the county by virtue of annexation by incorporated cities or by special agreements such as industrial or navigation districts;

4:02 (e) - Review all Development Permit Applications submitted to the county and issue or deny the appropriate permit;

4:02 (f) - Review all Development Permit Applications submitted to the county to assure that all necessary permits or plan approvals have been obtained from those Federal, State or local governmental agencies from which prior approval is required. Those agencies from which permits or plan of approval may be required includes, but is not limited to:

- (1) - The Texas Department of Health for sanitary land fill permits and solid waste disposal permits;
- (2) - The Texas Water Commission for dam or water impoundment permits, waste discharge and/or septic tank permits and plan of approval prior to placement of fill within the 100-year flood plain or construction of any levee or modification of stream channels;
- (3) - The U.S. Army Corps of Engineers for Section 404 permits pertaining to dredging or filling wetlands.

A TRUE COPY  
I HEREBY CERTIFY, JAMES D. PATTON  
COUNTY CLERK, WALKER COUNTY  
BY  DEPUTY

4:02 (g) - Make interpretations as needed as to the exact location of flood hazard boundaries where there appears to be a conflict between a mapped boundary and actual field conditions;

4:02 (h) - Notify adjacent communities and the Texas Water Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

4:02 (i) - Notify the Texas Water Commission of any map amendments, new projects or flood plain data which will change flood plain boundaries, and any changes in local jurisdiction and modification of this Court Order;

4:02 (j) - Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. The Administrator may require from the applicant additional engineering data so as to make this determination;

4:02 (k) - Until the Federal Insurance Administration supplies base flood elevation data, the County Administrator will obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source;

4:02 (l) - Submit on the anniversary date of the County's initial eligibility an annual report to the Federal Insurance Administration on the progress made during the past year within the County in the development and implementation of flood plain management measures.

#### SECTION 4:03 - APPLICATION AND PERMIT PROCEDURES

4:03 (a) - A completed Development Permit Application Form must be submitted to the County Administrator prior to the start of construction or development within the unincorporated areas of Walker County;

4:03 (b) - The County Administrator will review all applications to determine whether such construction or other development is proposed within the identified flood hazard areas of Walker County. If a proposed development is not within the identified flood hazard area, then the Administrator will issue a Class A Permit, along with any suggested changes, to the applicant. The applicant should be aware that the recommendations or suggested changes offered for developments outside of identified flood hazard areas are not binding by the provisions of this Court Order. However, other Walker County Court Orders, such as the Subdivision Policy & Septic Tank Regulations, may place certain restrictions on developments outside of identified flood hazard areas.

4:03 (c) - When the County Administrator determines that a proposed development is within the identified flood hazard area, he/she will request additional information from the applicant. This additional information will include, but is not necessarily limited to the following:

- (1) - Plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures and the location of the foregoing in relation to areas of special flood hazard;
- (2) - Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures;
- (3) - Elevation in relation to mean sea level to which any non-residential structure shall be floodproofed;
- (4) - A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of Article 5, Sect. 5:01 (b).
- (5) - Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- (6) - All specifications and details necessary for complete review of design for such building construction as may require any floodproofing and for any filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities (septic tanks) proposed within the identified flood hazard area.

4:03 (d) - On receipt of all requested information, the County Administrator shall evaluate the proposed construction for effects on flood heights and velocities, potential flood damage, adequacy of the plans for protection of life and property, location within the flood hazard area and other technical matters in view of the limitations on proposed development in flood hazard areas noted elsewhere in this Court Order.

4:03 (e) - The County Administrator shall then prepare a written statement to the applicant with a copy to the Commissioners Court indicating approval or rejection of the application, and conditions for approval or reasons for rejection. Appeal of the County Administrator's decisions may be made to the Commissioners Court.

4:03 (f) - Upon issuance of the Development Permit, the recipient shall be required to sign the permit, indicating that the recipient accepts the permit with any specified conditions and that he will construct the development in strict conformance with the approved plans and conditions attached.

#### SECTION 4:04 - APPEALS AND VARIANCE PROCEDURES

4:04 (a) - The Walker County Commissioners Court shall hear and render judgement on an appeal only when it is alleged that there is an error in any requirement, decision or determination made by the County Administrator in the enforcement or administration of this Court Order.

4:04 (b) - The Walker County Commissioners Court shall hear and render judgement on requests for variances from the requirements of this Court Order.

4:04 (c) - Any person or persons aggrieved by the decision of the Commissioners Court may appeal such decision in the courts of competent jurisdiction.

4:04 (d) - The County Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Insurance Administration upon request.

4:04 (e) - Variances may be issued for the reconstruction, restoration or rehabilitation of structures listed on the National Register of Historic Places or the State Inventory of Historical Places, without regard to the procedures set forth in the remainder of this Court Order.

4:04 (f) - 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 elevation, provided the relevant factors in this Court Order have been fully considered. As the lot size increases beyond the one-half acre size, the technical justification required for issuing the variance increases.

4:04 (g) - Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief.

4:04 (h) - Variances shall only be issued upon:

- (1) - A showing of good and sufficient cause;
- (2) - A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- (3) - 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 or victimization of the public, or conflict with existing local laws or Court Orders.

4:04 (i) - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4:04 (j) - Upon consideration of the factors noted above and the intent of this Court Order, the Commissioners Court may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Court Order.

4:04 (k) - Any applicant to whom a variance is granted shall be given written notice of the lowest elevation to be permitted for construction of the first floor below the base flood level. In most cases, the lowest elevation permitted below the base flood level will not exceed two feet. The written notice shall also state that the cost of flood insurance premiums will increase commensurate with the lower first floor construction below the base flood level. The applicant shall sign this written notice indicating he understands all conditions and consequences of accepting the variance.

ATTEST:  
JAMES D. PATTON  
HEREBY CERTIFY  
WALKER COUNTY



ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 5:01 - GENERAL STANDARDS

In all areas of special flood hazard the following provisions are required:  
5:01 (a) - All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

5:01 (b) - All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

5:01 (c) - All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

5:01 (d) - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

5:01 (e) - New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters;

5:01 (f) - On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5:01 (g) - All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION 5:02 - SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data has been provided as set forth in the provisions of this Court Order, the following standards are required:

5:02 (a) - Residential Construction - New Construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of twelve (12) inches above the base flood elevation. The permit recipient shall submit to the County Administrator a certification from a registered professional engineer, architect or land surveyor that the elevation requirements or other conditions specified on the permit have been satisfied.

5:02 (b) - Non-residential Construction - New Construction or substantial improvement of any commercial, industrial or other non-residential structure shall have either the lowest floor, including basement, elevated to a minimum of twelve (12) inches above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall submit a certification to the County Administrator that the design standards have been satisfied. A record of such certification which includes the specific elevation (in relation to mean sea level) to which structures are flood proofed shall be maintained by the county administrator.

5:02 (c) Manufactured Homes

a. Require that all manufactured homes to be placed within Zone A, shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. All manufactured homes shall be in compliance with Article 5, Section 5:02 (a)

SECTION 5:03 - STANDARDS FOR SUBDIVISION PROPOSALS

5:03 (a) - All subdivision plats of proposed development in the unincorporated areas of the county shall be submitted to the Commissioners Court and/or the County Administrator for plat approval. Plat specifications and details for submission will be governed by the County Subdivision Court Order;

5:03 (b) - All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall be consistent with the provisions contained in this Court Order and shall meet Development Permit requirements as specified in this Court Order;

5:03 (c) - Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B of Article 4, Section B (8) of these regulations.

5:03 (d) - All subdivision plats shall have the flood hazard area clearly delineated on the plat and where appropriate, shall have minimum floor elevations for all lots located within flood hazard areas:

5:03 (e) - All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards and lots shall be shaped and sized so as to provide adequate building space;

5:03 (f) - All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

5:03 (g) - The developer, builder, seller or agent shall inform in writing, each prospective buyer of subdivision lots located in flood hazard areas that such property is in an identified flood hazard area and that a Development Permit will be required before a structure can be placed on the property.

A TRUE COPY  
I HEREBY CERTIFY, JAMES D. PATTON  
COUNTY CLERK, WALKER COUNTY  
BY  DEPUTY

COUNTY OF WALKER, TEXAS

NOTICE TO DEVELOPMENT PERMIT APPLICANT

STATE OF TEXAS :  
COUNTY OF WALKER :

APPLICATION NO. \_\_\_\_\_:

NAME OF APPLICANT \_\_\_\_\_

THE ABOVE NAMED APPLICANT APPLIED FOR A DEVELOPMENT PERMIT ON \_\_\_\_\_  
THE APPLICATION HAS BEEN REVIEWED BY THE COUNTY FLOOD PLAIN ADMINISTRATOR AND IT IS HIS  
DETERMINATION THAT THE PROPOSED DEVELOPMENT APPEARS TO BE LOCATED WITHIN AN IDENTIFIED  
FLOOD PLAIN OF WALKER COUNTY.

THE COUNTY FLOOD PLAIN ADMINISTRATOR HAS REVIEWED PLANS AND SPECIFICATIONS OF THE  
PROPOSED DEVELOPMENT FOR CONFORMANCE WITH THE DEVELOPMENT STANDARDS REQUIRED BY WALKER  
COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS.

BASED ON THIS REVIEW, THE COUNTY FLOOD PLAIN ADMINISTRATOR DEEMS IT APPROPRIATE TO;

- ( ) APPROVE THE APPLICATION FOR DEVELOPMENT  
( ) REJECT THE APPLICATION FOR DEVELOPMENT

CONDITIONS FOR APPROVAL/REASONS FOR REJECTION ARE AS FOLLOWS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WARNING:**

The flood hazard boundary maps and other flood data used by the County Flood Plain Administrator in evaluating flood hazards to proposed developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. Construction standards required by Walker County Flood Plain Management Regulations are the minimum standards deemed necessary to minimize or eliminate flood damage, but reliance on these minimum standards shall not create liability on the part of County Commissioners, County Flood Plain Administrator or any other officer or employee of Walker County in the event flooding or flood damage occurs.

I, the undersigned applicant, do hereby:

- ( ) acknowledge the warning and disclaimer of liability of the County;  
( ) agree with the conditions of permit approval;  
( ) agree to construct my development in strict compliance with the specified conditions once a permit has been issued;  
( ) agree to provide certifications of work as may be required;  
OR  
( ) disagree with the reasons for rejection of my application and desire to make a formal appeal to the Commissioners' Court of Walker County;  
( ) disagree with the conditions for approval of a development permit and desire to make a formal appeal to the Commissioners' Court of Walker County.

A TRUE COPY  
I HEREBY CERTIFY, JAMES D. PATTON  
COUNTY CLERK, WALKER COUNTY  
BY \_\_\_\_\_ DEPUTY

Signature of applicant \_\_\_\_\_  
Date \_\_\_\_\_

County Flood Plain Administrator \_\_\_\_\_  
Date \_\_\_\_\_

Copy to Commissioner's Court



COUNTY OF WALKER , TEXAS

NOTICE TO PURCHASER  
PROPERTY IN FLOOD HAZARD AREA

STATE OF TEXAS :  
COUNTY OF WALKER :

THE PROPERTY DESCRIBED BELOW HAS BEEN FOUND TO BE SUBJECT TO FLOODING OR LOCATED, ALL OR IN PART, IN A FLOOD HAZARD AREA AS DETERMINED ON OFFICIAL MAPS LOCATED IN THE OFFICE OF THE COUNTY FLOOD PLAIN ADMINISTRATOR. THE DEVELOPER OF THE PROPERTY HAS MADE APPLICATION AND HAS BEEN ISSUED A PERMIT FOR THE SUBDIVISION IN WHICH THIS PROPERTY IS LOCATED. AS ONE CONDITION OF THE PERMIT, THE DEVELOPER HAS SIGNED A STATEMENT CERTIFYING HE WILL PROVIDE THIS WRITTEN NOTICE TO ALL PERSONS PURCHASING PROPERTY LOCATED IN THIS SUBDIVISION WHICH IS LOCATED IN A FLOOD HAZARD AREA.

CONSTRUCTION OF A RESIDENCE, OR OTHER DEVELOPMENT, ON THIS PROPERTY WILL BE DEPENDENT ON QUALIFICATION FOR AND RECEIPT OF A DEVELOPMENT PERMIT TO BE ISSUED BY THE COUNTY FLOOD PLAIN ADMINISTRATOR IN ACCORDANCE WITH THE PROVISIONS OF WALKER COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS.

CONDITIONS OF THE SUBDIVISION PERMIT WHICH APPLY TO THIS PROPERTY ARE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE LOCATION OF THE PROPERTY IS AS FOLLOWS:                     

Subdivision Name \_\_\_\_\_  
Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_ Section No. \_\_\_\_\_  
Street Address \_\_\_\_\_

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Seller)

The undersigned Purchaser hereby acknowledges receipt of the foregoing notice prior to closing of the purchase of the property described above, and acknowledges he has read and understands the condition of the permit as stated above:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Purchaser)

\_\_\_\_\_  
(Signature of Purchaser)

STATE OF TEXAS :  
COUNTY OF Walker :

Before me, the undersigned authority, on this day personally appeared

known to me to be the person(s) whose name(s) \_\_\_\_\_ subscribed to the foregoing instrument, and acknowledged to me that \_\_\_\_\_ executed the same for purposes and consideration therein expressed.

Given under my hand and seal of office on this, the \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_.

(Seal) TRUE COPY  
JAMES D. PATTON  
COUNTY CLERK WALKER COUNTY  
DEPUTY

\_\_\_\_\_  
Notary Public for the State of Texas

JNTY OF WALKER , TEXAS

NOTICE  
ISSUANCE OF VARIANCE TO FLOOD PLAIN MANAGEMENT REGULATIONS

STATE OF TEXAS :  
COUNTY OF WALKER :

APPLICATION NO. \_\_\_\_\_:

PERMIT NO. \_\_\_\_\_:

NAME OF PERMITTEE \_\_\_\_\_

THE ABOVE NAMED PERMITTEE MADE AN APPEAL OF THE COUNTY FLOOD PLAIN ADMINISTRATOR'S CONDITIONS FOR PERMIT APPROVAL AND REQUESTED A VARIANCE FROM THE CONSTRUCTION STANDARDS REQUIRED BY WALKER COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS FOR PROPOSED DEVELOPMENTS WITHIN AN IDENTIFIED FLOOD HAZARD AREA.

AFTER CAREFUL CONSIDERATION OF THE REASONS FOR REQUEST OF VARIANCE, THE COMMISSIONERS' COURT OF WALKER COUNTY HAS DETERMINED THAT IT IS WITHIN THE SCOPE OF VARIANCE PROCEDURES AS OUTLINED IN WALKER COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS TO GRANT THIS REQUEST FOR VARIANCE FROM FLOOD PLAIN CONSTRUCTION STANDARDS.

THE BASE FLOOD ELEVATION AT THE LOCATION OF YOUR PROPOSED DEVELOPMENT HAS BEEN DETERMINED AT \_\_\_\_\_ FEET MEAN SEA LEVEL.

YOU ARE HEREBY AUTHORIZED TO CONSTRUCT YOUR LOWEST FLOOR (INCLUDING BASEMENT) AT ELEVATION \_\_\_\_\_ FEET MEAN SEA LEVEL.

ADDITIONAL VARIANCES FROM DEVELOPMENT STANDARDS:

NOTICE: ALL DEVELOPMENT MUST BE IN STRICT CONFORMANCE WITH THE VARIANCES STATED HERE AND OTHER CONDITIONS STATED ON THE DEVELOPMENT PERMIT. ANY VARIATION WILL RESULT IN IMMEDIATE SUSPENSION OF THIS VARIANCE AND THE DEVELOPMENT PERMIT. FLAGRANT VIOLATION OF THE CONDITIONS OF THIS VARIANCE WILL RESULT IN THE COMMISSIONERS' COURT SEEKING INJUNCTIVE RELIEF OR CIVIL PENALTIES.

WARNING: THE GRANTING OF A VARIANCE IS FOR CONSTRUCTION STANDARDS ONLY. IT IS NOT A VARIANCE FROM THE REQUIREMENT TO PURCHASE FLOOD INSURANCE. PREMIUMS FOR FLOOD INSURANCE COVERAGE ON THE STRUCTURE WILL INCREASE AS A RESULT OF CONSTRUCTING THE FIRST FLOOR BELOW THE LEVEL OF THE BASE FLOOD. LOWERING THE FIRST FLOOR BELOW THE BASE FLOOD LEVEL HAS ALSO INCREASED THE RISK OF FLOOD DAMAGE AND POSSIBLE LOSS OF LIFE.

DISCLAIMER OF LIABILITY: THE COMMISSIONERS' COURT OF WALKER COUNTY AND ANY OFFICER OR EMPLOYEE OF WALKER COUNTY ARE NOT LIABLE FOR DAMAGES OR LOSS OF LIFE RESULTING FROM FLOODING OF THE PROPERTY FOR WHICH A VARIANCE WAS GRANTED.

I, \_\_\_\_\_, do hereby acknowledge that I have read the variance provisions stated above and that I understand them and intend to comply fully with them. I also acknowledge that my flood insurance costs will increase and flood damage potential to my structure will increase. I am fully aware that Walker County is not liable for damages to my property or structure and that I accept full responsibility for the risks associated with this variance. I also certify that in the event I sell my property or structure in the future, I will give notice of this variance to the purchaser.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

A TRUE COPY  
I HEREBY CERTIFY, JAMES D. PATTON  
COUNTY CLERK, WALKER COUNTY  
BY \_\_\_\_\_ CLERK

AMENDMENT TO SECTION 3:02 OF THE ORDER ESTABLISHING A DEVELOPMENT PERMIT SYSTEM AND ADOPTING REGULATIONS REQUIRING DEVELOPMENT PERMITS FOR CONSTRUCTION IN FLOOD PLAIN AREAS HAVING SPECIAL FLOOD HAZARDS, PROVIDING FOR REVIEW OF SUBDIVISIONS, PROVIDING AND MAKING PROVISIONS RELATED TO DEVELOPMENT WITHIN THE COUNTY'S DESIGNATED FLOOD PLAIN.

This Amendment shall change section 3:02 of the order cited above to read:

Section 3:02 - BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

AREAS OF SPECIAL FLOOD HAZARD ARE IDENTIFIED ON THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY No. 481042, DATED MAY 7, 2001, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THESE MAPS AND ANY REVISIONS THERETO ARE HEREBY ADOPTED BY REFERENCE AND DECLARED TO BE A PART OF THE COURT ORDER.

THE STATE OF TEXAS  
COUNTY OF WALKER

This is to certify that the Commissioner Court of Walker County, Texas has on this 14<sup>th</sup> day of MAY 2001, approved this.

Charles H. Wagamon  
CHARLES H. WAGON

[Signature]  
R. J. GAINES, JR. Comm. Prec. 1

[Signature]  
ROBERT AUTERY, Comm. Prec. 2

[Signature]  
JAMES C. REYNOLDS, Comm. Prec. 3

[Signature]  
TIM PAULSEL, Comm. Prec. 4

THE STATE OF TEXAS  
COUNTY OF WALKER

I, James D. Patton, County Clerk in and for said county, do hereby certify that this plat was filed for record in my office the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and recorded in Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Official Public Records of Walker County, Texas.

[Signature]  
James D. Patton, County Clerk

FILED FOR RECORD  
COUNTY CLERK  
WALKER COUNTY

'01 MAY 21 PM 4 33

JAMES D. PATTON  
COUNTY CLERK

A TRUE COPY  
I HEREBY CERTIFY, JAMES D. PATTON  
COUNTY CLERK WALKER COUNTY  
BY [Signature] DEPUTY



# **Amendments to the Regulations for Flood Plain Management Walker County, Texas**

**Section 1:06 shall be changed to read:**

**Section 1:06 – Penalties for Non-compliance:**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Walker County from taking such other lawful action as is necessary to prevent or remedy any violation. An offense under this section is a Class C misdemeanor. Each violation of this order and each day of continuing violation is a separate offense.

**Section 3:02 shall be changed to read:**

Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Walker County, Texas and incorporated areas" dated August 16, 2011, with the accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated August 16, 2011, and any revisions thereto are hereby adopted by reference and declared to be a part of this order. Future revisions to the report or maps shall take effect immediately without further action by Commissioners Court.

**Section 4:02 shall be changed to read:**

## **Section 4:02 DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

The Floodplain Administrator has the authority wherever he/she deems appropriate to authorize and/or require contractors and/or other public personnel to assist in the discharge of any of the duties described below, or deemed necessary to the proper administration or enforcement of this order. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5. The Floodplain Administrator shall have the right to require applicants to submit any necessary reports (engineering or otherwise), data, or information at developer's expense in order to assist in the administration of the provisions of this order.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

Section 5:04 shall be added as follows:

#### **Section 5:04 FLOODWAYS**

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would

not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.

**CERTIFICATION OF ADOPTION**

APPROVED: \_\_\_\_\_

(community official)

PASSED: 8-15-2011

(adoption date)

ORDINANCE BECOMES EFFECTIVE: 8-16-2011

(effective date)

I, the undersigned, Danny Pierce, do hereby certify that the above is a true and correct copy of an order duly adopted by the Commissioners Court of Walker County, Texas at a regular meeting duly convened on 8-15-2011

Danny Pierce  
{Signature of Certifying Official}