Historic Structures in the Floodplain

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The National Flood Insurance Program (NFIP) gives special consideration to the unique value of one of our Nation’s most significant resources – its historic buildings, landmarks, and sites.
National Flood Insurance Program is a three legged stool:

1. Flood Insurance

2. Floodplain Management/Ordinances

3. Floodplain Mapping- Flood Insurance Rate Maps (FIRM)
Flood Insurance

National Flood Insurance Program has provided affordable protection for our vulnerable areas built before FIRMs and ordinances.
Flood Insurance Rate Maps (FIRMs)

Many of the maps in PA were completed by the early 1980’s. Ordinances regulated the building of new structures in the floodplain. Anything built prior to the FIRMs were called Pre-FIRM.
Every municipality in Pennsylvania has an ordinance regulating development in the floodplain.
The NFIP floodplain management regulations provide significant relief to historic structures.

Historic structures do not have to meet the floodplain management requirements of the program as long as they maintain their historic structure designation.
They do not have to meet the new construction, substantial improvement, or substantial damage requirements of the program. This exclusion from these requirements serves as an incentive for property owners to maintain the historic character of the designated structure (44 CFR §60.3). It may also serve as an incentive for an owner to obtain historic designation of a structure.
Definition of “Historic Structures”

The definition section of the NFIP [Code of Federal Regulations (CFR) 44 Part 59], defines “historic structure” as “any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(This includes structures that are determined to be eligible for listing by the Secretary of the Interior as a historic structure. A determination of “eligibility” is a decision by the Department of the Interior that a district, site, building, structure or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register.)
(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   (a) By an approved state program as determined by the Secretary of the Interior or
   (b) Directly by the Secretary of the Interior in States without approved programs.”

This definition was coordinated with the Department of Interior when it was added to the NFIP Regulations in 1989.
Floodplain Management Requirements that Provide Relief for Historic Structures

The NFIP floodplain management requirements contain two provisions that are intended to provide relief for “historic structures” located in Special Flood Hazard Areas:

(1) The definition of “substantial improvement” at 44 CFR 59.1 includes the following exclusion for historic structures,

“Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as an “historic structure”. The same exemption also applies to “historic structures” that have been “substantially damaged”.

This provision exempts historic structures from the substantial improvement and substantial damage requirements of the NFIP.
(2) The other provision of the NFIP floodplain management regulations that provides relief for “historic structures” is the variance criteria at 44 CFR 60.6(a). This provision states:

“Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.”

Under the variance criteria, communities can place conditions to make the building more flood resistant and minimize flood damages, but such conditions should not affect the historic character and design of the building.
Muncy is an historic town nestled in the beautiful upper Susquehanna Valley. Muncy is located along the West Branch of the Susquehanna River in North Central Pennsylvania in Lycoming County. It was founded in 1797 and incorporated as a borough in 1826.
Zoning and Floodplain Ordinances

• “Incorporated” (recommended)
  • Combines zoning AND floodplain ordinances
  • “One-stop-shop” for review / enforcement

• Stand Alone
  • Zoning and floodplain ordinances are separate (may cause confusion or inconsistencies)
  • May be more difficult to enforce
Muncy Borough Zoning Ordinance

- “Incorporated Ordinance” – Floodplain Ordinance is incorporated in the Zoning Ordinance
- Article 6 Section 609 Variances in Floodplain Districts
  - Structure listed on National Register
  - Repair/Rehabilitation will not remove structure from National Register
  - Variance is minimum necessary to preserve historic character/design of structure
  - No variances for activity within floodway that increases flood levels for 1% Annual Chance (100 year) flood event
Muncy Borough Zoning Ordinance

- Factors Considered when granting variance (at minimum)
  - Good and sufficient cause
  - *Failure* to grant variance would result in exceptional hardship to applicant
  - Granting the variance will
    - *Not* result in unacceptable/prohibited increase in flood heights…threats to public safety…extraordinary public expense…create nuisances…victimize public…conflict with other…state/local ordinances/regulations
Muncy Borough Historic District

Historic District Map with aerial

Historic District Map w/ Floodplain
Example of an engineered plan submission

VASSALLO ENGINEERING & SURVEYING, INC.
1918 WEST THIRD STREET
WILLIAMSPORT, PENNSYLVANIA 17701
PHONE: (570) 322-6266

EAST & WEST ELEVATIONS FOR
KAREN PLANKENHORN
TAX PARCEL NO. 48-271-168
PA STATE ROUTE NO. 0057
PLUNKETTS CREEK TOWNSHIP
LYCOMING COUNTY, PA
SCALE: 1" = 10'
Example of an engineered plan submission
U.S. Army Corps of Engineers Study

- Partnership with USACE
- Preservation Maryland
- National Trust for Historic Preservation
- Maryland Historical Trust
- FEMA

Nonstructural Mitigation Assessment for the City of Annapolis Historic District
Annapolis, Maryland

Prepared by:
City of Annapolis
145 German Street, 3rd Floor
Annapolis, Maryland 21401

Prepared by:
Planning Division
U.S. Army Corps of Engineers, Baltimore District
P.O. Box 1715
Baltimore, Maryland 21203-1715

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The Disconnect

With the advent of BW 12 and the follow up legislation in 2014, subsidies for historic designation homes have been eliminated.

So you can have special considerations in floodplain management, but no considerations on the flood insurance side.
Conclusion

We have to work together to find the ways and means to continue to protect our historic resources from disasters, both natural and man-made.