

PROJECT NAME: \_\_\_\_\_

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# FLOODPLAIN DEVELOPMENT PERMIT

## APPLICATION & CHECKLIST SUBMITTAL PACKET

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## GENERAL INFORMATION

- A Floodplain Development Plan is required when development within the floodplain is proposed.
- This application does not approve improvements in the floodplain. This application is reviewed concurrently with the proposed development plans (either the Site Development (SD) plans, Public Improvement Construction Plans (PICP) or Building Permit).
- Coordination with other entities such as FEMA, TCEQ, USFWS or Army Corp of Engineers may be required.

## HELPFUL LINKS



- Development Services – [www.leandertx.gov/ds](http://www.leandertx.gov/ds). Includes links to the following:
  - Development Process – Applications, Submittal Schedule
  - Planning Department: Zoning, Subdivision, Site Development, Current Developments
  - Building Permits & Inspections: Building Permits, Impact Fees
  - Engineering Department
  - Maps & Guides – Comprehensive Plan, Transportation Plan, Development Guide, Transportation Criteria Manual, Drainage Criteria Manual
- Fire: [www.leandertx.gov/fire](http://www.leandertx.gov/fire)
- Parks: [www.leandertx.gov/parksrec](http://www.leandertx.gov/parksrec)
- Development Hub – Application Portal: [www.leandertx.gov/hubgo](http://www.leandertx.gov/hubgo)

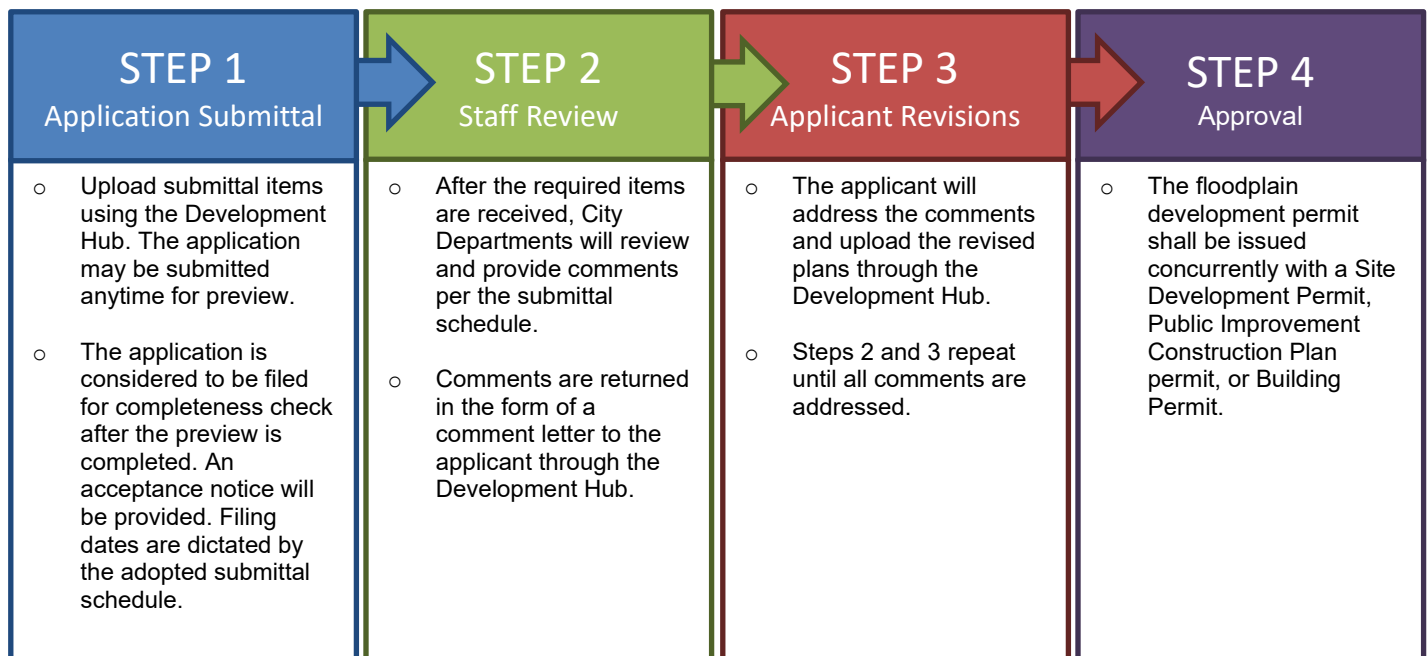
## CONTACT INFORMATION

Please contact the Development Services Department by emailing [planning@leandertx.gov](mailto:planning@leandertx.gov) with any questions regarding this application.

## INSTRUCTIONS

- Fill out the following application and checklist completely prior to submission.
- Current applications and City ordinances may be found on the City's website (<http://www.leandertx.gov/ds>).
- Please refer to the "Submittal Schedule" for submittal deadlines. Applications may be submitted through the Development Hub at anytime for preview. Once all items are confirmed and accepted, the review process will start on the next available filing date as listed in the submittal schedule.
- This application will not be accepted unless the associated development plans are also in review.
- All items listed in the "Required Items for Application Submittal" on [page 3](#) shall be uploaded to the Development Hub.

## PROCESS OVERVIEW – ALTERNATIVE PROCEDURE



## REQUIRED ITEMS FOR THE SUBMITTAL PACKAGE

REQUIRED ITEMS	PROVIDED	<i>Check each box if you have complied with that item. This application/checklist is only a guide. All state and local ordinances and code requirements cannot be reflected on this application/checklist. If there are any questions regarding the regulations, the applicant shall consult source law.</i>
	<input type="checkbox"/>	1. Completed and Signed Application & Checklist with the owner's signatures.
	<input type="checkbox"/>	2. Drainage Study (HEC, RAS, etc)
	<input type="checkbox"/>	3. Application Fees (calculation listed below).

## APPLICATION FEE\* CALCULATION

Filing Fee:	\$ 500.00
Professional Recovery Fee:	\$ 250.00
Technology Fee:	\$ 25.00
<b>TOTAL FEE (due at the time of application submission) \$ <u>775.00</u></b>	

\* An invoice for application fees will be provided during the completeness check. All fees shall be paid prior to the acceptance of the submittal for review.

### RESUBMITTAL FEES:

- A resubmittal fee in the amount of \$500 is due for each submittal after the 3<sup>rd</sup> review.

## UPLOADED DOCUMENT REQUIREMENTS

1. All documents shall be in PDF format, using Arial font with a minimum resolution of 300 dpi. Additional items that are needed to support engineering studies may be submitted in their native format. (i.e. HEC Models, AutoCAD files etc)
2. All PDFs of plat documents shall be exports from AutoCAD and not scans of a printed document.
3. All PDFs shall be bookmarked.
4. All sheets must be facing the correct direction and pages shall be bookmarked with the title on each page.
5. Each upload shall include a descriptive name of the file including the associated number from the "Required Items" list above. Examples:
  - The application shall be identified as the application and include the creation date in MM.DD.YYYY format:  
1. Application 06.13.2022
  - The Short Form Final Plat shall be identified as the FPD and include the creation date in MM.DD.YYYY format:  
2. Project Name FPD 06.13.2022
  - Corrections shall include the version number in the title: 2. Project Name FPD V2 06.13.2022

## COMPLETENESS REVIEW REQUIREMENTS

The completeness review is a preview of the submittal package to confirm that the required documents and information have been submitted in order to confirm that the application is ready for review by City Staff.

The minimum required items are listed below for the first submittal of the application.

1. All items listed above in the "Required Items for Submittal Package" list shall be included.
2. All documents shall be legible.
3. Blank or pending sheets will not be accepted.

The minimum required items are listed below for the second and any other resubmittals.

1. Comment letters, updated studies, and other items listed in the comment letter.
2. Comment response letters shall include an explanation of how the comments were addressed. Responses such as "pending" or "noted" will NOT be accepted.
3. Any changes made by the applicant that were not requested by the reviewers shall be identified at the beginning of the comment letter.
4. Any required resubmittal fees.

## PROJECT INFORMATION

Street Address/Location Description: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_ Section, Lot, Block: \_\_\_\_\_

Zoning District: \_\_\_\_\_ PUD Ordinance No: \_\_\_\_\_

(USE-SITE-ARCHITECTURE)

Future Land Use Category (as identified on the Future Land Use Map): \_\_\_\_\_

Total Gross Sq. Ft. of Building(s): \_\_\_\_\_ Total Impervious Cover Sq. Ft: \_\_\_\_\_

(pavement and building)

Proposed Number of Multi-Family / Condo Units: \_\_\_\_\_

Brief Summary of Work: \_\_\_\_\_

## FLOODPLAIN DEVELOPMENT REVIEW PROCEDURE

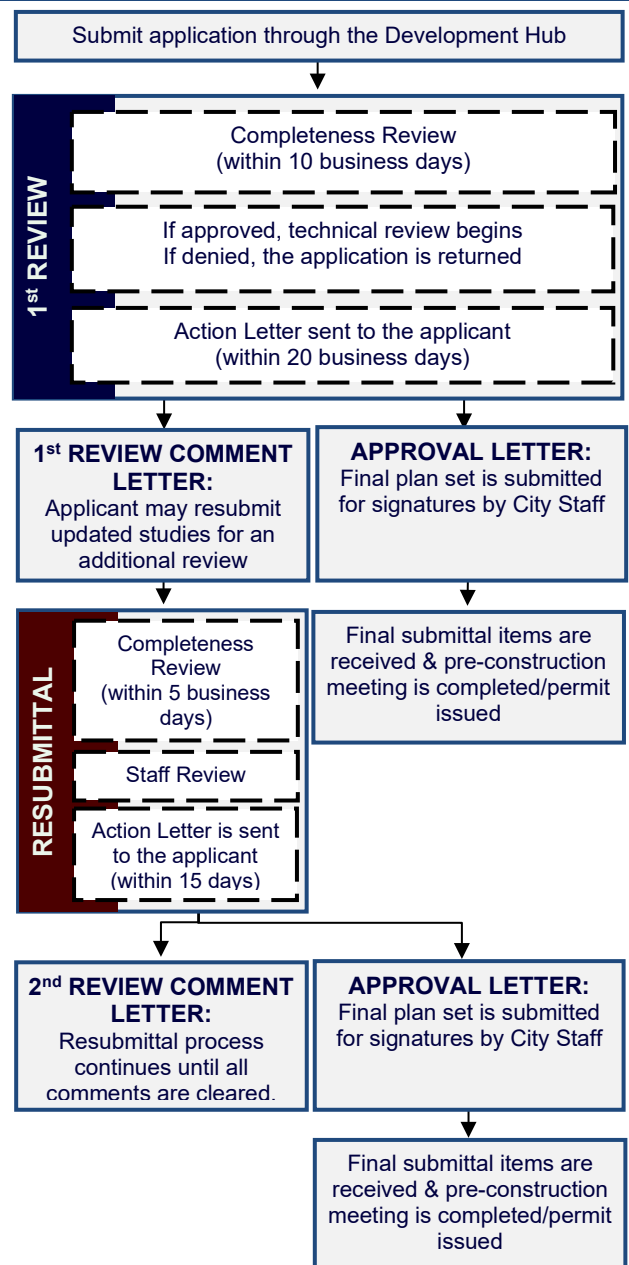
1. Submit required items through the Development Hub. These documents may be submitted at any time for review. Once all required documents are confirmed, the application will be reviewed for completeness within 10 business days of the submittal date. If the application substantially fails to meet the minimal informational requirements, then it will not be accepted for review.

If the application is determined to be complete, then it will be distributed for technical and content review (see requirements on [page 4](#)) in compliance with the submittal schedule.

2. A comment letter will be generated within 20 business days of the filing date and sent to the applicant. If the application is disapproved, then the letter will list the deficiencies with Code references.
3. The applicant will resubmit the corrected plan set for review. Submittals may be submitted at any time, but will be accepted for review based per the adopted Submittal Schedule. The resubmittal will be reviewed for completeness within 5 business days. A complete submittal shall include the following:
  - a. Updated documents/materials
  - b. Written response letter identifying how the comments were addressed
  - c. Resubmittal fee (after the third resubmittal)

**If the items above are not provided, the re-submittal will be NOT be accepted.**

4. A comment letter will be generated within 10 business days of the filing date. If the application is disapproved, the letter will list the deficiencies with Code references.
5. This process repeats until all comments are cleared.
6. If the comment letter indicates that the applicant is eligible for a final submittal review, please upload the following items:
  - a. Updated documents/materials
  - b. Comment response letter identifying how the comments were addressed
7. If the application is approved, the floodplain development permit for construction will be issued concurrently with the development plans as part of the pre-construction meeting for the associated development applications (SD, PICP or Building permit).



**APPLICANT INFORMATION:**

**Please Note:** The signature of owner authorizes City of Leander staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his/her agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. If there are multiple property owners, one notarized form per owner is required. Approval of this application and the related plat or plans does not constitute the approval of variances or waivers to ordinance requirements. Applicant is responsible for compliance with all applicable ordinance unless a variance, waiver, or exception has been specifically approved.

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

**(Check One):**

I, the owner, will represent this application with the City of Leander.

I, the owner, hereby authorize the person named below to act as my agent in processing this application with the City of Leander.

**OWNERSHIP INFORMATION:**

**Owner Name (Company or Individual):** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

*(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.*

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Mobile: \_\_\_\_\_

*By signing this form, the owner of the property authorizes the City of Leander to begin proceedings in accordance with the process for the type of application indicated above. Owner further acknowledges that submission of an application does not in any way obligate the City to approve the application. By signing this form the owner of the property authorizes the City of Leander to enter upon the property to perform all necessary inspections and acknowledges that the construction will be in accordance with the City of Leander standards and the approved construction documents. By indicating an agent on the application, the property owner authorizes the agent to represent the request and all official contact will be between the City of Leander and the agent.*

**Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

THE STATE OF \_\_\_\_\_

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KNOW ALL MEN BY THESE PRESENTS

COUNTY OF \_\_\_\_\_

Before me, \_\_\_\_\_, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_.

Notary Public's Signature \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**AGENT INFORMATION:**

If an agent is representing the owner of the property, please complete the following information:

**Project Agent:** \_\_\_\_\_ **Company:** \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Mobile: \_\_\_\_\_

*I hereby attest that I prepared this application/checklist and that all information shown hereon is correct and complete to the best of my knowledge:*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Date

## FLOODPLAIN DEVELOPMENT CHECKLIST

Please note that this checklist is intended to describe the general scope of floodplain development permit applications. Additional information may be required to assure ordinance compliance. The owner/agent shall initial each line item confirming the requested information is included with this application. All ordinance references are to the Composite Zoning Ordinance unless otherwise specified.

### GENERAL

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- \_\_\_ 1. Floodplain analysis report showing hydrological and hydraulic analysis of the floodplain pre and post development.
- \_\_\_ 2. Plans showing the extent of watercourse relocation and/or landform alterations.
- \_\_\_ 3. Plans showing proposed construction details from the related construction permit application.
- \_\_\_ 4. Hydrological and Hydraulic models in HEC-HMS and HEC-RAS.

### DESCRIPTION OF WORK (CHECK ALL APPLICABLE BOXES)

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- \_\_\_ 1. Structural Development
  - a. Activity
    - New Structure
    - Addition
    - Alteration
    - Relocation Demolition
  - b. Structure Type
    - Residential (Single-Family)
    - Non-Residential (Includes Multi-Family)
    - Combined Use
    - Manufacture Home.
- \_\_\_ 2. Other Development Activities
  - Clearing
  - Cut/Fill
  - Mining
  - Drilling
  - Grading
  - Excavation (except for structural development above)
  - Watercourse Alteration (including dredging and channel modifications)
  - Drainage Improvements (including culverts)
  - Road, Street, or Bridge Construction
  - Subdivision – Acreage? \_\_\_\_\_ ac.
  - Utility Improvement
  - Other (specify) \_\_\_\_\_

### FLOODPLAIN INFORMATION (TO BE COMPLETED BY APPLICANT)

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The proposed development is located on FIRM Panel No. \_\_\_\_\_, Dated \_\_\_\_\_.

The Proposed Development:

- Is NOT located in a Special Flood Hazard Area (SFHA).
- Is partially located in the SFHA but building/development is NOT.
- Is located in a SFHA.
  - FIRM Zone Designation is \_\_\_\_\_.
  - BFE at the site is \_\_\_\_\_ ft. NAVD88 (MSL)
- Is located in the regulatory floodway.
  - See section 7 for additional instructions

### ADDITIONAL INFORMATION REQUIRED

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THE APPLICANT MUST SUBMIT THE FOLLOWING DOCUMENTS WHICH ARE APPLICABLE TO THE DEVELOPER BEFORE THE APPLICATION WILL BE PROCESSED

- \_\_\_ 1. Change in water surface elevation (in feet)
  - Meets Ordinance limits on elevation increases? ( Yes / No )
- \_\_\_ 2. Floodproofing protection level (non-residential only) \_\_\_\_\_ ft. NAVD88 (MSL). For floodproofed structures, applicants must attach certification from registered engineer or architect. Please note that for floodproofing of non-residential structures, NFIP requirements will require that insurance companies subtract 1' from the floodproofed elevation to determine if the structure is properly floodproofed to the BFE.
- \_\_\_ 3. Certification from a registered engineer that the proposed activity within a SFHA with Base Flood Elevations established (Zone AE, etc.) but outside the Floodway will not result in an increase of more than 1 ft. to the Base Flood Elevation (BFE).

- A copy of all data and hydraulic/hydrologic calculations supporting this finding must also be submitted. Additionally, supporting data must ensure that there will be no adverse impacts to any adjacent properties (both upstream and downstream) of the proposed development without documented landowner approval.
- \_\_\_ 4. Certification from a registered engineer that the proposed activity within a SFHA with both Base Flood Elevations and Floodway (no proposed encroachment into the Floodway) established will not adversely affect any adjacent properties (both upstream and downstream) without documented landowner approval. A copy of all data and hydraulic/hydrologic calculations supporting this finding must also be submitted.
  - \_\_\_ 5. Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in height of the Base Flood Elevation (BFE). A copy of all data and hydraulic/hydrologic calculations supporting this finding must also be submitted.
  - \_\_\_ 6. Compliance of Buffer Zone ordinance per Subdivision Ordinance Article III, Section 49.
  - \_\_\_ 7. CLOMR, COMR-F, Elevation Certificate or other LOMC approval from FEMA, if applicable.
  - \_\_\_ 8. Other: \_\_\_\_\_

**AS BUILT ELEVATIONS (TO BE SUBMITTED BY APPLICANT PRIOR TO CO ISSUANCE)**

The following information must be provided for structures that are part of this application. This section must be completed by a registered professional engineer or licensed land surveyor (or attach a certification to this application). Complete the following:

- Actual (as-built) elevation of the top of the lowest floor, including basement, is: \_\_\_\_\_ ft. NAVD88 (MS)
- Actual (as-built) elevation of floodproofing protection is: \_\_\_\_\_ ft. NAVD88 (MSL).

**EXHIBIT A: ADDITIONAL REQUIRED PERMITS**

Applicants shall verify that all required permits have been obtained for the work in the floodplain **prior** to filing a floodplain development permit. The permitting agencies below regulate land and water development activities. They include but are not limited:

- Texas Commission on Environmental Quality**  
TCEQ Permits organized by business type:  
[http://www.tceq.state.tx.us/nav/permits/business\\_types/type\\_s.html](http://www.tceq.state.tx.us/nav/permits/business_types/type_s.html)  
**TCEQ Small Business and Local Government Assistance:**  
<http://www.tceq.state.tx.us/assistance/sblga/sblga.html> or 800-447-2827
- United States Army Corps of Engineers Fort Worth District**  
<http://www.swf.usace.army.mil/pubdata/enviro/regulatory/permittingoverview.asp> or 817-886-1731  
**Galveston District**  
<http://www.swg.usace.army.mil/reg/permits.asp> or 409-766-3930
- Additional federal agencies including: United States Fish and Wildlife Service, Environmental Protection Agency, and the United States Coast Guard**
- Texas Parks and Wildlife Department**  
[http://www.tpwd.state.tx.us/faq/landwater/sand\\_gravel/](http://www.tpwd.state.tx.us/faq/landwater/sand_gravel/) or 512-389-4639
- General Land Office**  
Information on dunes  
[www.glo.state.tx.us](http://www.glo.state.tx.us) or 800-998-4GLO (4456) or 512-463-5001
- Texas Department of Transportation**  
Access permits for driveways through TxDOT right-of-way.  
Also, consider asking the TxDOT area office to provide you with access permit site locations as a way of tracking floodplain development.
- Additional local and regional permitting agencies including river authorities**

**ADDITIONAL PERMIT(S) CERTIFICATION:**

I certify that all additional required permits for the proposed work have been obtained prior to the approval of this Floodplain Development Permit Application. The applications for these permits shall be submitted concurrently.

**Authorized Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

THE STATE OF \_\_\_\_\_

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COUNTY OF \_\_\_\_\_

§ KNOW ALL MEN BY THESE PRESENTS

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Before me, \_\_\_\_\_, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

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

Notary Public's Signature: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## FINAL SUBMITTAL REVIEW

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To expedite the review process, staff has implemented a Final Submittal Review Process. This process replaces the regular review cycle and submittal cycle. Instead of providing a formal submittal, the applicant may drop off the items listed below for an expedited review. Projects are eligible for final submittal meetings when there are only a few minor comments remaining. Staff will notify the applicant in the comment letter when they are eligible.

Items to submit:

- Updated studies and reports
- A comment response letter indicating how the staff comments were addressed.

## CONFLICT OF INTEREST DISCLOSURES

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Please submit at the time of submission of application and update disclosures within 7 business days after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

### ARTICLE 9.05. CITY CODE OF ORDINANCES – CODE OF ETHICS:

<http://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=leanderset>

#### ▪ Ethics Ordinance – Disclosure Statements

The City's Ethics Ordinance requires persons seeking to enter discretionary contracts with the City or appearing before the City Council or another City board or body to disclose certain relationships and conflicts of interest. The relevant sections of the Ethics Ordinance are set forth below. The Ethics Ordinance can be found in Article 9.05, Chapter 9 of the City's Code of Ordinances at the above link.

#### Sec. 9.05.007 Persons doing business with the city

##### (a) Persons seeking discretionary contracts.

- (1) For the purpose of assisting the city in the enforcement of provisions contained in this article, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract any conflict of interest. This is set forth in [sections 9.05.004](#) and [9.05.005](#) of this article. Further, the individual or business entity agree to abide by the same ethical standards as set forth for public servants in this article.
- (2) Subsection (a) of this section will become a permanent footnote on documents contained in city bid packets for discretionary contracts.

##### (b) Disclosure of conflicts of interest by persons appearing before a board or city body. A person appearing before any city board or other city body for the purpose of doing business with the city shall disclose to that board or body any facts known to such person which may show or establish that:

- (1) An employee or officer of the city that advises or makes presentations to the board or city body; or
- (2) Any member of the board or city body;

has or may have a conflict of interest pursuant to chapter 171, Tex. Loc. Gov't. Code, or an interest which would violate the ethical standards set forth in this article, if he or she were to participate in the processing or consideration of the subject matter.

**Sec. 9.05.009(f)** Disclosure by persons appearing before a city body. Any person who appears before any city body who has had business dealings within the preceding 12-month period involving one or more transactions of five hundred dollars (\$500.00) or more each quarter, or for a total of twenty-five hundred dollars (\$2,500.00) or more, within the preceding 12-month period with a councilmember, commissioner, or business entity in which a councilmember or commissioner has a substantial interest, shall disclose such business dealings at the time of the appearance. Any person who shall intentionally or knowingly fail to make the aforesaid disclosure shall be guilty of a misdemeanor and shall be fined in accordance with this article.