

WRITTEN PROCEDURES FOR ENFORCEMENT OF NFIP REGULATIONS IN LANDER COUNTY

1.0 PURPOSE OF ENFORCEMENT OF THE FLOOD DAMAGE PREVENTION ORDINANCE

The purpose of enforcement of Lander County Flood Damage Prevention Ordinance (Lander County Code Chapter 15) is as follows:

- A. To protect human life and health;
- B. To minimize expenditures of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the public;
- D. To minimize prolonged business interruptions;
- E. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- F. To bring Lander County into compliance with the National Flood Insurance Program and the Lander County Flood Damage Prevention Ordinance.

2.0 FLOOD DAMAGE PREVENTION APPLICATION/PERMITTING (OR PERMIT EXEMPTION) AND INSPECTION PROCEDURE

The Lander County Flood Damage Prevention Ordinance is implemented in accordance with the National Flood Insurance Program (NFIP) regulations. These regulations require that no person shall be allowed to begin any construction or development (i.e., erection, addition, alteration or change in a building or land surface including grading) within any area of special flood hazard without first obtaining a Flood Damage Prevention Permit from Lander County (see Exhibit 1). A building includes structures to be used for commercial, industrial, or residential purposes.

Garages, pump houses, storage sheds and other structures not meant for residential, commercial or industrial use are subject to compliance with regulations.

“Substantial improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a **10-year period**, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. *NOTE: The market value of the building should be (1) in the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring.* This term includes structures, which incurred **“repetitive loss” or “substantial damage”**, regardless of the actual amount of repair work performed.

The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- 2) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

2.1 PROCEDURE FOR OBTAINING A FLOOD DAMAGE PREVENTION PERMIT OR PERMIT EXEMPTION.

The permitting or permit exemption process begins with an application being filed on forms furnished by the Lander County Building Planning Department, 825 N. 2nd St. Battle Mountain, NV 89820. The application must include the following information:

The name(s), physical development site address, mailing address and telephone number and signature of the applicant or authorized agent, legal description, assessor’s parcel number, written description of proposed work, contractor’s name (if any), license number, Lander County business license number, address, and telephone number.

2.2 PLOT PLAN WHICH MUST ACCOMPANY PERMIT APPLICATION

The following information must be shown on a plot plan (see Exhibit 2) submitted to Lander County for a Flood Damage Prevention Permit within a special flood hazard area:

- Exterior parcel boundaries and dimensions, rounded off to the nearest foot. The boundary should be drawn as near to scale as possible.
- An indication of north.
- Street that the parcel borders on.
- Existing and proposed structures, drainage facilities, wells, septic tank and leach fields. The proposed structure(s) should be drawn as close to scale as possible and indicate the “building footprint” or the exterior walls of the structure(s).
- “Highest Adjacent Grade” must be shown. This requirement is the most misunderstood in the permit process, and is the reason for this set of instructions. Highest adjacent grade is defined by the Federal Emergency Management Agency (FEMA) as “*the highest natural elevation of the ground surface prior to construction next to the proposed walls of the structure.*” This means that your plot plan must indicate with an arrow where on the perimeter of the building footprint the highest grade or original undisturbed ground immediately adjacent to the structure is found. Should you indicate the highest grade at a property corner, at the street centerline or any other point on the

property your application will not be accepted. For Lander County’s purposes you should begin with an assumed elevation of 4,500’ unless a surveyor,

- architect or engineer obtains a mean sea level elevation and is willing to sign and stamp the plot plan. A GPS reading is acceptable.
- Proposed finished floor elevation. This information should be placed within the building footprint as shown on the example using elevations as described above. Most applicants first call the Building and Planning Department prior to submitting an application so that the plot plan indicates the correct finished floor elevation. Depending on the flood zone your property is in, finished floor elevation requirements are as follows:

<u>Zone</u>	<u>Elevation Minimums</u>
A	24”
AO	24” to 48”
AE	24”
AH	24” to 36”
A (unknown depth)	24” above HAG

The finished floor elevation is the minimum height the top of the first floor must be above the “highest adjacent grade”.

2.3 APPLICATION REVIEW

The Lander County Building and Planning Department working in conjunction with the Floodplain Administrator shall determine if the property is within an area of special flood hazard as shown on the Flood Insurance Rate Maps (FIRM). Based on that determination, alternative procedures shall apply as follows:

1. ISSUANCE OF PERMIT FOR A LAND DEVELOPMENT PROPOSAL WITHIN AN AREA OF SPECIAL FLOOD HAZARD

Upon determination that a proposed development is within an area of special flood hazard the applicant shall be required to comply with the following:

- A. A plot plan must be submitted showing the location and dimensions of the area in question; existing and proposed structures, drainage facilities and the location of the foregoing. The following information is also required:
 1. For residential or non-flood proofed nonresidential structures located within zone A (eg., AO), AE, AH and unnumbered A (with base flood elevations) zones the proposed elevation in relation to mean sea level of the lowest floor of all structures, certified by a Nevada licensed engineer or surveyor.
 2. For residential or non-flood proofed nonresidential structures located within an unnumbered zone A (without base flood elevations), zone AO, the proposed height of the lowest floor in relation the highest adjacent grade of all structures. “Highest Adjacent Grade” is defined

as the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure, certified by an engineer or surveyor.

- B. For flood proofed nonresidential structures (ie., commercial, industrial) certification must be provided by an engineer or architect (an architect may provide the following structure design and construction certification) that upon review of the structural design, specifications and plans that the design, materials and methods of construction are in accordance with accepted standards of practice to minimize flood damage.
- C. In A zones without a Base Flood Elevation determined, an Elevation Certificate shall be required to locate highest adjacent grade prior to beginning construction. An extrapolation process of the FIRM BFE's may be used by the Floodplain Administrator to determine a "reasonably safe" elevation from flooding by using best available data provided on the FIRM. An after construction Elevation Certificate shall be required to verify the finished floor is above the determined highest adjacent grade.

Upon receipt of the above information the Floodplain Manager/Administrator will review the information and will approve, disapprove or require certain modifications to the proposal within 10 working days. If approved, the Administrator shall cause the Permit to be issued. The permit shall be valid for a period of 180 days from the date issued and must be granted for good cause, and shall not be unreasonably withheld by Lander County. Request for extension must be submitted in writing. If disapproved, the Administrator shall inform the applicant of the deficiencies/ reasons for disapproval, and will advise the applicant of the appeal/ variance procedure.

3.4 AMENDMENT TO PERMIT

The development as approved by the original permit shall not be altered unless and until an amendment is approved by Lander County. A proposed amendment must include the submission of a new plot plan and design certification as required. Lander County shall review each proposed amendment, approve or disapprove all such proposed amendments and shall issue all such decisions in writing. The written approval must be posted on the development site while development is in progress.

3.0 COMPLETION OF CERTIFICATE OF ELEVATION

It is required that an Elevation Certificate (see Exhibit 3) be prepared while the manufactured home is being set or a building is under construction prior to the completion of the pad. This will ensure that the pad is elevated to the proper height above the highest adjacent grade. A new Elevation Certificate will be required when construction of the building is complete.

If the owner submits an Elevation Certificate only at finished construction, and the structure fails to be properly elevated, the owner will be responsible for elevating the

structure to meet compliance standards of the NFIP as certified on the Elevation Certificate, and confirmed by a final inspection by the Floodplain Manager/Administrator, at which time the FA will complete section G6 of the Elevation Certificate. The Elevation Certificate shall be completed by a Nevada licensed surveyor or engineer. The Elevation Certificate is an important administrative tool of the National Flood Insurance Program (NFIP). It is to be used to provide elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F). The Elevation Certificate is required in order to properly rate post-FIRM buildings, which are buildings constructed after publication of the Flood Insurance Rate (FIRM), located in flood insurance Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO. The Elevation Certificate is not required for pre-FIRM buildings unless the building is being rated under the optional post-FIRM flood insurance rules. A copy of the Elevation Certificate shall be provided to the applicant and one copy shall be kept on file in the Building and Planning Department.

4.0 VARIANCES AND APPEALS

The Lander County Board of County Commissioners shall hear and decide appeals and request for variances from the requirements of the Flood Damage Prevention Ordinance. In reaching a decision on variance applications, the Lander County Board of County Commissioners must consider all technical evaluations, all relevant factors, standards specified in the Ordinance, and,

- a. The danger that materials may be swept onto the lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The availability of alternative locations for the proposed development which are not subject to flooding or erosion damage;
- f. The compatibility of the proposed development with existing and anticipated development;
- g. The relationship of the proposed development to the flood plain management program for that area;
- h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- i. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and

facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Upon consideration of the factors above, and (Section 6) of the Floodplain Management ordinance, the Lander County Board of County Commissioners will determine if a variance should be granted.

A variance may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, with regard to the procedures set forth in this section. A variance shall not be issued within a mapped regulatory floodway if any increase in flood levels during the base (100 year) flood discharge would result. A variance shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- A. Any applicant to whom a variance is granted shall be given written notice over the signature of the Commission Chairman and Legal Council that:
1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 to \$100 of insurance coverage, and
 2. Such construction below the base flood level increases risks to life and property. A notice shall be recorded by the Floodplain Administrator in the Office of the Lander County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

5.0 VIOLATIONS

Any person who violates any of the provisions of the Lander County Flood Damage Prevention Ordinance is guilty of a misdemeanor.

6.0 FEES

The fee required to be paid to obtain a Flood Damage Prevention Permit is set by resolution. This fee is not required for exempt properties.

Exhibit 1

Lander County Building & Planning Department
825 N. 2nd St.

Battle Mountain, NV 89820

Telephone (775) 635-2860

Fax (775) 635-1120

Flood Damage Prevention Application/ Permit

1. Applicant Name _____

Authorization Agent Name _____

Mailing Address _____ City _____

State _____ Zip _____ Telephone _____

Property Address _____ City _____

Assessor's Parcel # _____ Legal Description _____

Contractor or Owner/ Builder (NOTE: If contractor checked
complete item 2)

2. Contractor Name _____ License # _____

Mailing Address _____ City _____

State _____ Zip _____ Telephone # _____

3. Brief Description of Development _____

Proposed Start Date _____ Estimated Completion Date _____

Applicant or Agent Signature _____ Date _____

APPLICANT- DO NOT WRITE BELOW THIS LINE

Flood Zone _____ Community # _____ Panel # _____ Suffix _____

Date Checked _____ By _____

Approved

Exempt _____ Date _____

Flood Damage Prevention Inspector _____

Comments: _____

Permit # _____

Check # _____

Exhibit 2

Example of a Plot Plan for a Lander County Flood Damage Permit

Exterior Lot and Dimensions

