

The attached document was submitted to the
Washoe County Board of Commissioners during
the meeting held on 3-27-18.
by Laura Rose
for Agenda Item No. 16
and included here pursuant to NRS 241.020(8).



CSD – Engineering and Capital Projects Division

HOME ELEVATION DISCUSSION AND CONSIDERATIONS

- **Purpose**
 - Protect structures from coming in contact with floodwaters thereby mitigating structural damage and loss of contents while assuring properties remain self-contained and continue to receive essential utility service during a flood event.
- **Process**
 - Typical
 - Additional Considerations for Closed Basins
- **Estimated Costs**
- **Possible Funding Options**

3-27-18

REC

#16

Laura Rose



CSD – Engineering and Capital Projects Division

HOME ELEVATION DISCUSSION AND CONSIDERATIONS

PROCESS

- **Planning**
 - **Determine the height the structure must be raised.**
 - **Outside floodplain - planning codes, HOA's**
 - **FEMA and WC Code**
 - **In floodplain – Finish floor 1 foot above BFE**
 - **Floodplain along portions of Truckee River – some areas require 3 feet separation between finish floor and BFE**
 - **Engineering analysis – Structural and Geotechnical**
 - **Preparation of construction plans and specifications**
 - **Permits/flood insurance certificates**
- **Select and hire licensed contractors**



CSD – Engineering and Capital Projects Division

HOME ELEVATION DISCUSSION AND CONSIDERATIONS

CONSTRUCTION, cont.

- Aesthetics - Extend wall coverings, paint, landscape, etc.
- Construct access to home
 - Stairs
 - Ramps or elevators if resident has mobility needs
 - Berm soil around portions of home, if allowed





CSD – Engineering and Capital Projects Division

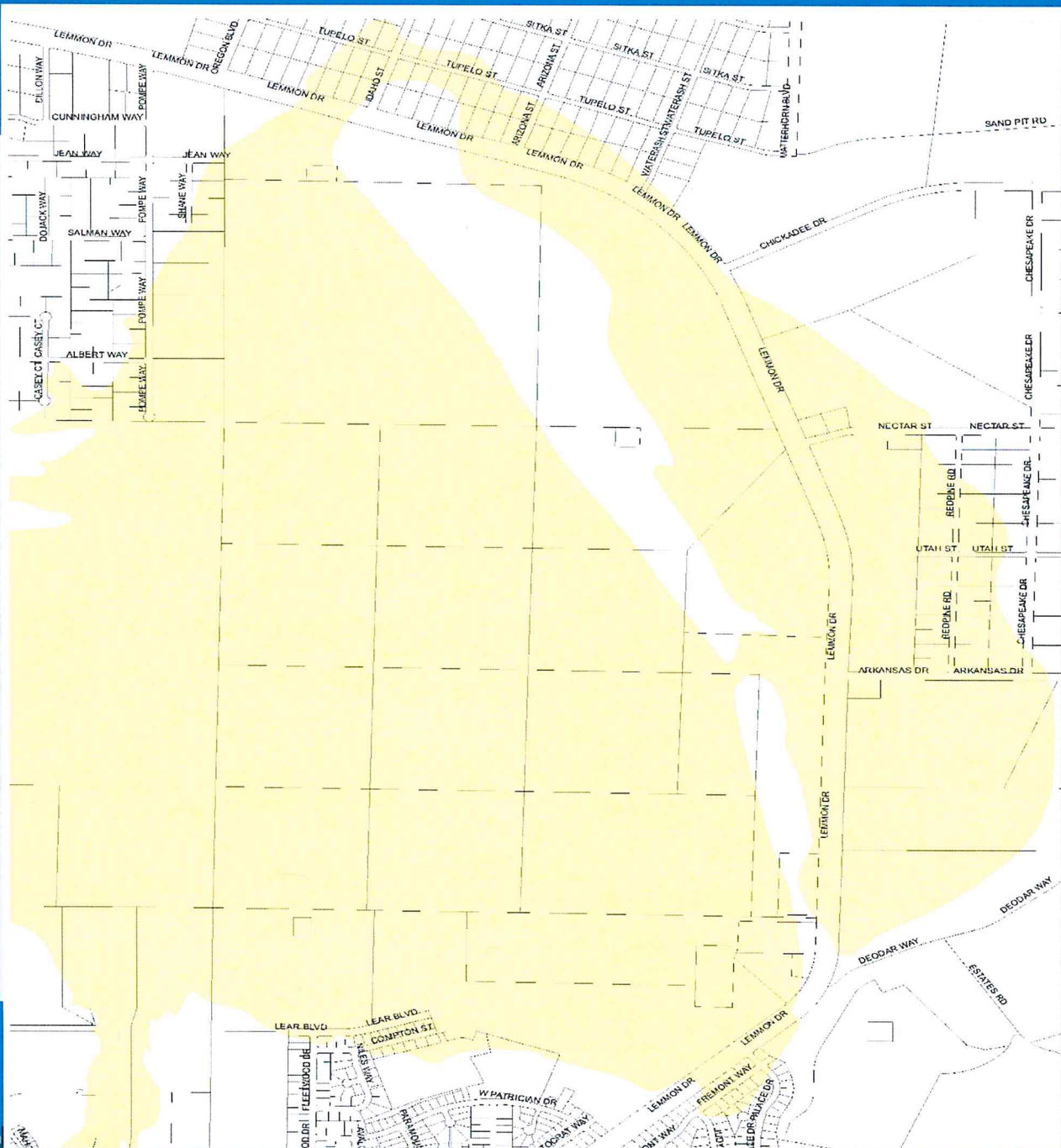
HOME ELEVATION DISCUSSION AND CONSIDERATIONS

ESTIMATED COSTS – Typical House (1,600 sq.ft., perimeter foundations, no attached garage, no deck, no fireplace)

Other Considerations

- **Public Roadways**
- **Structure Flood Insurance**
- **Taxable Event**







CSD – Engineering and Capital Projects Division

FEMA Hazard Mitigation Grant Program – Home Acquisition Demolition

- Represents a permanent solution
- Costs are split between FEMA - 75% and Washoe County - 25%
- Creates open space through deed restriction
 - Public recreation area
 - Flood water storage area
- Eliminates need or expectation for;
 - Additional services by Washoe County or other agencies
 - Response by emergency responders
 - Relocating livestock or pets



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TRUCKEE RIVER FLOOD PROTECTION FINANCIAL ASSISTANCE PROGRAM

HOME ELEVATION HANDBOOK



Marilyn Newton

Truckee River Flood Project
September 2010

3-27-18

BCC

#16

Commissioner V. Hartung

Handbook: 9-22-10

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SECTION 1

HOMEOWNER INFORMATION

HOMEOWNER PROCEDURES AND PROCESS

Washoe County recently established a financial assistance program for home elevations in the Hidden Valley, Eastside Subdivision, and Rosewood Lakes areas to be administered by the Truckee River Flood Management Project. The Board of County Commissioners from time to time will allocate funding for this program and homeowners whom have already made application to the program and whom have been granted approval from Flood Project staff may proceed when given "A Notice to Proceed" with elevating their home. **This program is voluntary** and the funding will be made available until it is gone for qualified homes on a prioritized basis in these areas. Current funding has been established at \$2 million on May 25, 2010. The program will cover all of the eligible costs associated with elevating a home (please reference Section 2 for a list of covered costs) and homeowners will be responsible for any costs not eligible under this program. The program is consistent and will conform to all applicable federal, state, and local guidelines.

Candidates for the Home Elevation Program that are within the approved neighborhoods and whom are willing to fulfill the homeowner obligations are invited to apply for elevation assistance. The receipt of your application, including the fee of \$500, initiates the review of your home for elevation candidacy. Approval of your application by the administrator then establishes your financial assistance eligibility for the residential home elevation financial assistance program.

The implementation of this program will consist of the following steps:

1. List of Neighborhoods with Potential Candidates

Based upon the accumulated data and federal and local criteria, a list of neighborhoods with potential candidates was established for and approved by the Board of County Commissioners.

2. Application for Eligibility

Homeowners whom are physically located within the approved project areas may indicate their desire to participate by submitting an application for financial assistance. The "Application for Grant to Elevate Residential Structure" (a copy of which is found in this handbook) denotes the following:

- Receipt of this Financial Assistance Program handbook,
- A commitment to comply with homeowner program responsibilities (which are listed on the application and included in this handbook),
- A \$500 commitment fee, and
- Grants permission for the administrators of the Financial Assistance Program to enter the site and begin analysis for eligibility and application approval.

The application will be first checked for eligibility. The eligibility analysis work will include potential site survey work in order to compare lowest floor elevation to the Base Flood Elevation (as identified by the Administrator) for this program. If analysis shows that the lowest floor is above the Base Flood Elevation, the home is determined ineligible for assistance under this program and the \$500 fee collected with the application will be refunded. If the home is eligible for financial assistance (i.e. the lowest floor elevation is below the Base Flood Elevation) then the homeowner will be informed in writing and further data will be accumulated and analysis performed on the residential structure.

3. Data Accumulation, Analysis and the Review Committee

Once the home is determined eligible for the Financial Assistance Program then additional investigative work will be performed by Flood Project staff or their consultants. The data to be collected consists of

5. Review Committee and Grant Agreement for Financial Assistance

After selecting their preferred contractor and completing the bidding requirements, the homeowner may then call the Administrator at 850-7460 for an appointment with the Review Committee. The Review Committee consists of Flood Project engineers, flood managers, and other appropriate personnel selected to assist with the Financial Assistance Program. The applicant should bring with them to the appointment:

- Copies of contractor bid(s) and the completed bid form(s), or
- Copy of civil engineer's bid, contract (if applicable), and
- Proof of ability to pay for the portion of the homeowner improvements not covered by the Financial Assistance Program (see guidelines for eligible costs in Section 3 for more information)

At the Review Committee, the homeowner will request their preferred contract amount based upon the contractor's bid selected by the homeowner. The Review Committee will then review the bid, compare bid information to the internal engineer's cost estimate, and determine eligibility of qualified home elevation expenses that will be covered by the Financial Assistance Program. As noted above, non-qualified expenses can be incorporated into the work for reasons of costs savings or otherwise by the homeowner but these expenses will not be reimbursed or covered by the Financial Assistance Program. The Review Committee will also explain the construction procedures and payment process and ensure that the homeowner understands legal restrictions and other compliance issues. Upon approval of the bid by the Review Committee, the grant commitment will be completed and signed and the homeowner is then given a Notice to Proceed (NTP) with the home elevation. A copy of the commitment may be found in this handbook. As later revisions of this agreement may be produced, please contact the Administrator for the latest version. This agreement details the rights and responsibilities of the homeowners during the construction phase of the Financial Assistance Program. If the Review Committee rejects the bid, the applicant may then request additional bids from different contractors, renegotiate with the contractor until an agreement is reached, or pay the difference between their contractor's bid and the approved amount for their project. If needed, the Truckee River Flood Project may also reconcile the bid quantities and decide to update the internal engineer's cost estimate accordingly based upon updated contractor means and methods data. The Truckee River Flood Project would then send the updated information to the Review Committee for further action on the specific project.

Deed Restriction and Flood Insurance Requirements

Owners of structures to be elevated must execute a deed restriction that restricts future use of the area under the elevated first floor to parking and temporary storage only. The deed restriction also stipulates the owner will be required to maintain flood insurance for as long as the building remains in a Special Flood Hazard Area. The deed restriction must be signed and will be recorded prior to the start of construction. (A copy of this form is included in this handbook.)

Other Assistance

Financial assistance may not be awarded unless the property owner abides by all conditions set forth in the ordinance requirements of Washoe County Ordinance No.1439 especially pertaining to code section 40.455, section 6, item 5. (A copy of the ordinance is included in the Appendix of this Handbook.)

6. Homeowner Managed Home Elevation and Contractor Payment

Homeowners will enter into a contract with the approved design-build contractor to complete the home elevation. The contractor will develop the building plans and secure the permit from the Washoe County Building Department prior to the start of construction. Qualified expenses for work that completed to the satisfaction of the owner and passes permit inspections will be invoiced monthly to the homeowner who

HOMEOWNER ELIGIBILITY

The requirements, limitations or provisions in Ordinance #1439 regarding the financial assistance program must meet all the following criteria:

- Financial assistance must be for projects that are within an Approved Area designated as set out in Attachment A to the ordinance or as later specified in the regulations.
 - Financial assistance may not be awarded to protect any building, structure or improvement unless the building, structure or improvement existed or construction had began on the building, structure or improvement on or before July 1, 2009.
 - Financial assistance may not be used to relocate any building, structure or improvement to a new location that is in an Approved Area or an Area Likely to be Flooded.
 - Financial Assistance may not be awarded unless the property owner has not received and agrees not to apply for any financial assistance to make his property resistant to flood damages from a tourism improvement district established pursuant to NRS 271A.070, a tax increment area created pursuant to NRS 278C.155, a redevelopment area established pursuant to NRS 279.426, a program for the rehabilitation of residential neighborhoods established pursuant to NRS 279A.030 or a program for the rehabilitation of abandoned residential properties established pursuant to NRS 279B.030.
 - Financial assistance may not be awarded if in the opinion of the Administrator the estimated cost of making property improvements resistant to flood damage exceeds the total value of the structures on the land.
 - Financial assistance may be provided only to property improvements whose Base Floor has actually been flooded in the past or is below the predicted flood elevation established by the Administrator for a 117 year flood event. The Administrator shall reevaluate and establish predicted flood elevations from time to time using current models and information. When considering a property for financial assistance, the Administrator shall use the most recently established predicted flood elevation when the application is being considered, and if the Administrator determines at that time that the property is eligible under the most recently established predicted flood elevation criteria, that determination remains in effect even if the predicted flood elevation is later changed.
 - Financial assistance shall not be provided to any property if the property is anticipated to be protected by a structural facility (levee, floodwall, bank stabilization or terracing, detention facility or the like) designated in the Living River Plan.
 - The Administering Agency may, by regulation, provide for other limitations and requirements.
-

HOMEOWNER OBLIGATIONS

Once determined eligible, the homeowners wishing to participate in the elevation program are required to fulfill the following obligations:

- ° Homeowners must submit a fee of \$500 with the application for home elevation.
- ° Homeowners must carry flood insurance, or agree to purchase flood insurance upon completion of the elevation.
- ° Owners of structures to be elevated must execute a Deed Restriction, prior to the start of construction, that restricts future use of the area under the elevated first floor to parking and temporary storage only, in conformance with Truckee River Flood Protection Financial Assistance Program ordinance; and stipulates the requirement for flood insurance for as long as the building remains in a Special flood Hazard Area. (This form can be found in this handbook.)
- ° The homeowner must obtain contractor bid(s) for the elevation. If the bid includes work that is not covered under the Home Elevation Program, the bid will be broken down into that portion that does qualify and that does not. No homeowner or volunteer labor qualifies.
- ° The homeowner may select the contractor(s) of their choice to bid on the work; however, the contractor(s) must be licensed in Nevada, carry required liability insurance, and they are responsible for complying with all local and state laws.
- ° Building must be elevated to a minimum of three (3) feet above the higher of the base flood elevation (BFE) or the 117 year flood event elevation, regardless of any previous damage to the structure. (The appropriate elevation for your residence is determined by the Administrator prior to bid phase.)
- ° Program assistance money will cover 100% of qualified elevation costs. Homeowners will cover that portion not covered by the program and any in excess of the designated cap.
- ° Temporary housing expenses during the period that the house is uninhabitable while undergoing elevation are the responsibility of the homeowner.
- ° The homeowner will be required to submit all application materials and to call for an appointment with the Homeowner Interview Committee.
- ° Following the appointment with the Homeowner Interview Committee and signing of the Grant Agreement, the homeowner will be required to provide the committee with the following: a copy of the contractor's contract, a copy of the contract with the civil engineer (if it is not included in the contractor's bid), copies of each billing/ invoice for contractor payment.

NOTE: Homeowners shall provide a copy of all billing/costing paperwork relating to each construction phase, and submit a copy of these documents to the Administrator in order to comply with federal audit requirements.

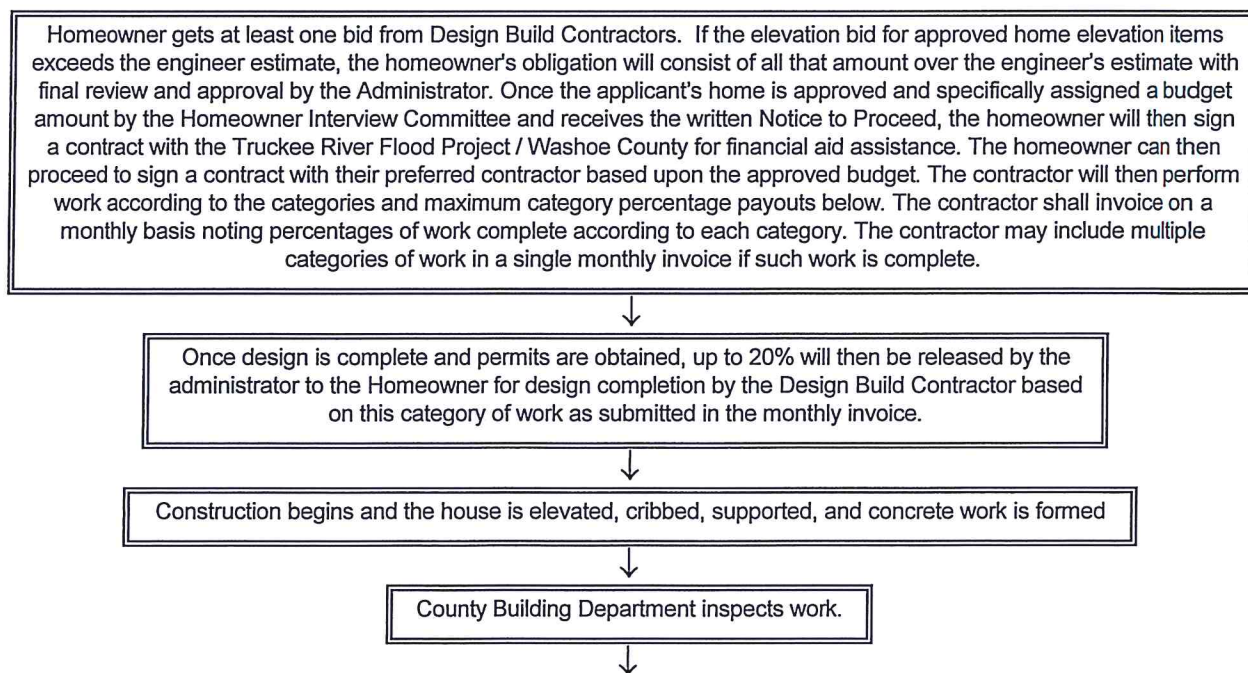
PAYMENT AND INSPECTION SCHEDULE

Contractors generally expect payments to be made in increments. The first payment will be used for design services and paid once building permits are obtained. Subsequent payments will be paid as phases of the construction are completed and invoiced. The homeowner will be responsible for ensuring a contractor's invoice is submitted to the administrator. The administrator will then review the invoice for qualified home elevation compliance and if approved submit payment directly to the homeowner. The homeowner, as obligee to pay per the contract, is responsible to pay the contractor. Once the contractor successfully completes specified phases of construction according to the owner's satisfaction and all work passes the appropriate County building inspectors, the Flood Project will award commensurate portions of grant monies for payment as illustrated below.

Upon completion of the elevation work eligible under the grant, but prior to making the final payment to the contractor, the homeowner or the contractor should contact the design engineer to inspect the work and issue an elevation certificate. Following this the County Building Department will make a final inspection of the elevation work and if it is complete and satisfactory, the final 10% of the allocated grant monies will be released.

Once, all construction is complete, the Building Department will issue a Final Inspection Approval and a Certificate of Occupancy (or equivalent). If there is other work being done that is not covered under the grant program, the Final Inspection Approval will not be issued until all work is complete. Upon issuance of the Final Inspection Approval, the homeowner will be required to file a Notice of Completion with the County Recorder.

PAYMENT SCHEDULE FLOW CHART



SECTION 2

**CONTRACTORS' SPECIFICATIONS &
GUIDELINES**

ALLOWABLE ELEVATION RELATED COSTS- FINANCIAL ASSISTANCE PROGRAM ELEVATION GUIDELINES FOR CONSTRUCTION

The following guidelines are taken from attachment B of the Financial Assistance Program (FAP) Ordinance- Washoe County Ordinance 1439, adopted May 25, 2010. The guidelines indicate what portions of a house elevation construction project are eligible to receive Grant money. In the event there is a conflict between this handout and grant Administrator requirements, the Administrator requirements shall govern. When contract bids are submitted to the County for consideration of receiving Grant money, the contract bid and related documents must specifically document the cost items in terms of the following criteria. **Note: the licensed contractor is required to provide a 100% performance bond and liability insurance.**

Eligible costs include:

GENERAL RULE: ONLY THE DIRECT COSTS ASSOCIATED WITH ELEVATING THE HOUSE ARE ELIGIBLE TO RECEIVE GRANT MONEY

1. **ELIGIBLE PLANNING AND PERMIT COSTS** for all types of projects (elevation or relocation of residential properties and floodproofing of commercial properties) include but are not limited to:
 - a) Costs of preparing plans and specifications and the certifications required.
 - b) Costs of building permit applications
 - c) Costs of certificates required for flood insurance applications and determinations.

2. **ELIGIBLE HOME ELEVATION COSTS** include but are not limited to:
 - a) Jacking up Base Floors; installation and removal of beams for lifting the house, cribbing for raised house while the new foundation system is being built;
 - b) Disconnecting and reconnecting existing utilities.
 - c) Elevating all utilities and service equipment (hot water heater, furnace, outlets for electricity, air conditioning, cable, communications etc) and providing meter reading service if needed; This cost includes construction of a utility room above the Base Flood Elevation but only if there is not existing space within the house or if there is no other more cost effective way to elevate the utilities. If new utility room space must be constructed, it cannot be greater than 100 sq ft in gross floor area.
 - d) Constructing foundations so the Base Floor is 3 feet above the predicted flood elevation established by the Administrator under this chapter, including seismic upgrades per local codes as required (including bolting the home to the foundation and/or cripple walls, and the seismic bracing of any water heaters). Repair to existing foundation but only if necessary (as determined by the design engineer) for the safe elevation of the structure.
 - e) Replacement of termite damaged or dry rotted wood framing members if such members are directly associated with elevating the home or are required for the recommended seismic bolting or bracing.
 - f) Lowering base floors and connecting to foundations.

- i) Construction or repair of decks or porches except as noted in the “eligible costs” above.
- j) In cases where existing floor systems have been adequately designed or constructed with undersized materials, the homeowner must bear all costs of rehabilitation related to such inadequacies.
- k) Costs of replacement of utility service components which are undersized, of inadequate capacity, or are unsafe, shall be borne by the owner unless directly related to the action of elevating (i.e. well pumps).
- l) Where HVAC systems are expanded or increased in size and capacity, the owner shall bear any such costs beyond the HVAC’s capacity to service the home’s original square footage prior to elevation.
- m) Where existing underground utility lines have deteriorated, or if such lines do not meet code requirements, additional costs to repair such facilities shall not be eligible for grant funding.
- n) Replacement of flood damaged floor coverings, wall coverings, appliances, cabinets etc are not eligible for grant funding.

BUILDING PERMIT INFORMATION REGARDING ELEVATION OF A HOUSE

This is a general review of the procedures and requirements for obtaining a building permit to elevate a single family dwelling in Washoe County. Contact the Building Department for additional information. Allow approximately two weeks for your plans and related information to be reviewed.

BUILDING CODES ENFORCED

Washoe County currently enforces the 2006 editions of the International Building Code, Uniform Mechanical Code, Uniform Plumbing Code, and the 2005 National Electric Code. Local regulations as contained in Chapter 100 of the Washoe County Code, as well as pertinent requirements of State law, are also enforced. **SPECIAL FLOOD DESIGN REQUIREMENTS REGARDING FLOOD RESISTANT MATERIALS AND FLOOD CONVEYANCE CONSIDERATIONS ARE CONTAINED IN THE HANDBOOK (a copy of these provisions are in the Appendix).** Copies of these codes are available for review at the Building Department. Please contact the Building Department for the codes in effect prior to starting your design.

APPLICATION FILING FEES

Fees for all flood permits submitted to the Building Department for eligible flood damage repair or raising of any existing dwelling will be paid by the County. Any additional square footage will be charged as standard for the related agencies.

PLEASE NOTE THAT THE BUILDING DEPARTMENT CAN ONLY ISSUE BUILDING PERMITS TO OWNERS OF THE PROPERTY OR THEIR AUTHORIZED AGENT WITH AN OWNER-BUILDER VERIFICATION FORM ON FILE IN THAT OFFICE; OR A LICENSED CONTRACTOR/ AUTHORIZED AGENT WHO HAVE CURRENT STATE AND COUNTY LICENSES AND PROOF OF A CURRENT CERTIFICATE OF WORKER'S COMPENSATION (IF APPLICABLE).

General Information

1. Regional Road Impact Fee (RRIF) and Parks Construction Tax

- These taxes are imposed when the addition is an attached accessory dwelling unit.

2. Floodplains

- If the structure is in a FEMA floodplain or in an area determined to be a floodplain, there will be additional requirements for construction. There are several options and methods of construction in a floodplain and your engineer will assist you in determining which methods meet your needs.
- The services of a licensed engineer or land surveyor will be required to complete a FEMA Elevation Certificate. The first part of the elevation certificate is required before a building permit is issued. The second part is required at the final inspection. The elevation certificate (part 2) can be used to obtain flood insurance for the structure.

AN OVERVIEW OF THE BUILDING PERMIT PROCESS

START---

At the Building Department, you will be given a plan check application form and a departmental routing sheet to complete. Take the plans with two plot plans, and the routing sheet to the Planning Department for their review of zoning and property line setback requirements, building height, footprint coverage, tree permit requirements and major flood zones.

Once Planning approval has been obtained, return to the Building Department where they will start a file. The engineer/ contractor will then pay necessary fees. You will be directed to go to Public Works-Special Districts & Environmental Health.

Public Works will need to review the two sets of plans prior to the Building Department doing their plan check. This review is for compliance with the County Flood Ordinance. (See the attached for an overview of these requirements.) Once they have completed their review they will deliver the plans to the Building Department for their plan check.

Environmental Health will determine any requirements they may have regarding the sewage system and/or water system.

Once the plans have been approved by the Building Department and approvals from all applicable departments have been obtained, you will be notified that your building permit is ready to be issued. At that time the engineer/ contractor will need to pay any fees that have not been paid for any additional square footage. These are paid to the applicable department/agency prior to permit issuance.

PERMIT ISSUED.

BUILDING PLANS - SUBMITTAL REQUIREMENTS

You (or through your engineer/ contractor) are required to submit to the Building Department:

- **Two** complete sets of stamped plans per NRS requirements of the licensed professional with all supporting documents.
- **Four** additional partial sets (copies of stamped sets) consisting of site plan, floor plan and elevation sheets.
- **Two** additional site plans if lot has a septic system.
- All pages of the plans shall be on the same size paper. The minimum size of plans allowable is 18" x 24".
- Plans shall be firmly bound on one edge.
- Plans must be legible and clear for electronic scanning.
- All plans and details are to be drawn to scale and fully dimensioned.

3. **FLOOR PLAN (1/4" = 1' SCALE RECOMMENDED):**
- Label the function of each room (i.e. kitchen, bedroom, den, dining room, etc.)
 - Show the location of all plumbing fixtures in the kitchen and bathrooms.
 - Show water heater & furnace sizes (include efficiency rating).
 - Show all walls & partitions.
 - Show all appliances/washer & dryer.
 - Show all windows and doors (Include all sizes and types).
 - Show kitchen and bathroom counters/cabinets.
 - Show shear walls and shear wall schedule.
 - Show guardrail type, height, and rail spacing.
 - Show fireplace and hearth, including wood or pellet stoves. (Show size & type).
 - Show landings at all exterior doors.
 - Show size and location of skylight openings (If glass, include manufacturer's information).
 - Show width, rise and run of all stairways.
4. **ELEVATIONS:**
- Show all sides of proposed project.
 - Show all exterior grades, floor, and roof heights.
 - Show types of material to be used such as roofing material, siding, etc.
 - Show all posts, decks, overhangs, and details.
 - Show foundation & attic vents.
 - Show windows and doors matching location on floor plan.
 - Indicate roof pitch.
 - Indicate ice dam material.
 - Indicate building heights of main structure and all other structures to be built on the property as measured from final grade.
 - Show height of decks from lowest point of final grade and distance from property line.
 - Show elevation of all stories of all structures.
 - State composition and color of all siding and roofing materials.
5. **FRAMING DETAIL CROSS SECTION (1/2" = 1' SCALE RECOMMENDED):**
- Show a minimum of one (1) complete **detailed** building construction cross sections.
 - Size, span, and spacing of all framing members.
 - Show all insulation, (floor/roof/wall) (include "R" Value).
 - Piers, girders, posts, and hangers.
 - Sheathing & nailing (floor/roof/wall).
 - Anchor bolts.
 - Sheetrock, (type & thickness).
 - Decks and deck framing.
 - Footing size & depth (include rebar size & spacing) 24" frost line.
 - Rafters/trusses, roof framing.
 - Floor blocking.
 - Roof overhangs, ceiling joists (Show sizes & details).
 - Top plates, studs, and sole plates (Show sizes & details).
 - Complete construction cross sections of fireplace and chimney framing.
 - Type of material to be used under cantilevered floor joists.
 - Rim joists (Show sizes & details).
 - Shear transfer from roof through foundation.

PAYMENT SCHEDULE FLOW CHART (Please Refer to Section 1- 9 &10 in this handbook)

SECTION 3

FORMS

(Rev. 8-03-10)

WASHOE COUNTY FLOOD PROTECTION FINANCIAL ASSISTANCE PROGRAM
APPLICATION FOR GRANT
to elevate residential structure

INFORMATION ABOUT APPLICANT AND STRUCTURE

Date of Application	
Name and address of Applicant (must be the owner of Structure) <i>See Note [1] below</i>	Name _____ Street Address _____ City _____ Phone _____ Alternate Phone _____ email (optional) _____
Address and APN (Assessor's Parcel No.) of Property where structure to be elevated is located. Also, please attach a legal description of the property. <i>See Note [2] below</i>	_____ _____ _____ Assessor's Parcel Number _____
Description of structure to be elevated <i>See Note [3] below</i>	_____ _____ _____ _____ _____ _____ _____ _____
When was the structure built?	<input type="checkbox"/> Before July 1, 2009 <input type="checkbox"/> After July 1, 2009
Current elevation of the structure	<input type="checkbox"/> Do not know <input type="checkbox"/> Attached is an elevation certificate executed by a professional engineer or surveyor. <input type="checkbox"/> Other

VOLUNTARY APPLICATION

1.1 To the Grantor I, each undersigned applicant, hereby apply to Washoe County, Nevada, a political subdivision of the State of Nevada, or to the Truckee River Flood Management Authority, a public agency joint powers authority, as the case may be, and certify and agree with the agency that actually approves and grants funding (the “Grantor”) as follows.

1.2 Application. I hereby apply to be considered for a grant to pay for the elevation of the residential structure described above. This is a voluntary application and I understand that I may withdraw the application at any time up until construction work begins on the project.

1.3 Assignment. If this application is approved, I understand that the approved application may be assigned to any future owner of the Grant Property and structure described above, provided, that the subsequent owner completes an application form and agreement. A new fee is not required.

CERTIFICATIONS

I CERTIFY AS FOLLOWS:

2.1 Ownership of Structure. I certify that I/we the undersigned are all of the owners of the Grant Property and structure identified above.

2.2 True Statements. That all statements made in this application are true, correct and complete and understand that a misrepresentation on this application or any claim forms or materials submitted to the County may lead to revocation of any grant or other approvals and may result in penalties under the provisions of NRS Chapter 357 (Submission of False Claims to State or Local Government).

2.3 No Other Flood Financial Assistance. That I have not and agree not to apply for any financial assistance to make the Grant Property and structure resistant to flood damages from (i) a tourism improvement district established pursuant to NRS 271A.070; (ii) a tax increment area created pursuant to NRS 278C.155; (iii) a redevelopment area created pursuant to NRS 279.426; a program for the rehabilitation of residential neighborhoods established pursuant to NRS 279A.030; or (iv) a program for the rehabilitation of abandoned residential properties established pursuant to NRS 279B.030.

2.4 Home Elevation Manual That I have received a copy of the Home Elevation Handbook given to me by an employee of Washoe County or the Truckee River Flood Management Project, and that I have read it, understand and agree to the requirements and descriptions in that handbook. I have read the proposed Financial Assistance Agreement and the Declaration of Covenants, Restrictions and Easements in that handbook, and will agree to them if funds are granted to me.

3.6 Hold Harmless. I hereby hold harmless and agree to defend and indemnify the Grantor for any and all actions and claims arising from the quality of construction and any construction defects. I understand that site visits and progress checks by the Grantor are solely to determine whether or not progress payments may be made and that the persons checking construction are not qualified to determine whether or not the construction is free of defects or complies with any codes and standards.

APPLICANT: (Each owner of the property must sign)

Signature

Date

Printed Name

Signature

Date

Printed Name

Signature

Date

Printed Name

Bid Form will be added at a later date.
Please contact the Truckee River Flood Project for more information

*This form is included for informational use only. Please contact the Flood Project staff for the latest version of this form.

(Form Rev. 8-20-10 marked to show significant changes from 8-12-10 draft)

Truckee River Flood Protection Financial Assistance Program

GRANT COMMITMENT AND AGREEMENT

(Residential Home Elevation)

1. Parties, Definitions, Key terms:

Owner <i>(name and address)</i>	
Grantor	and assigns permitted under Paragraph 4.A of this Agreement. Washoe County, a political subdivision of the State of Nevada for benefit of Truckee River Flood Management Program 9390 Gateway Drive, Suite 230 Reno, NV 89521-8900 Attn: Eric Scheetz, P.E. Project Administrator (775) 850-7423 email: escheetz@washoecounty.us and its assigns permitted under Paragraph 4.A of this Agreement
Grant Property Address	
Structure(s) to be elevated	
Maximum Grant Amount	
Eligible Costs	Means those costs identified in Attachment B to Washoe County Ordinance 1439 as may be amended by regulation of the Administrator of the Truckee River Flood Management Project. Eligible Costs are identified in the Home Elevation Manual which is in force and effect on the Date of Commitment.
Date of Commitment	
Construction Start Deadline	
Expiration Date of Commitment	

A. Compliance. Owner must not be in breach of or default under this Grant Commitment or under the Declaration of Restrictions, Covenants and Easements.

B. Notice to Proceed. Funds must have been appropriated and Owner must have been given a written Notice to Proceed by Grantor before entering into a contract with the contractor or incurring new obligations.

C. Contract with Contractor. After given a notice to proceed by Grantor, Owner shall enter into a contract with the contractor who submitted the bid on which this Grant Commitment was based, and shall submit a copy of the contract to the Grantor. The contract is strictly between the Owner and contractor and the Owner shall be solely responsible for honoring and enforcing that contract. The contract must include the following terms:

1. That Grantor shall have access to the work site at any time during normal business hours to check work progress and determine compliance with this agreement.

2. That payments are due on the earlier of: (i) ten days after homeowner receives payment from the Grantor, or (ii) 60 days after invoice by contractor;

3. That payment rights are not assignable to contractor.

D. Access to work site. Owner hereby grants to Grantor a license to enter upon Owner's land and inspect the work site at any time during normal business hours on week days to check work progress and compliance with this agreement.

E. Liability Insurance. Contractor must have and provide proof of liability insurance indicating that the contractor has comprehensive general liability coverage in for at least \$ 1 million combined single limit per occurrence for bodily injury, personal injury and property damage. Premiums for this coverage are not an eligible expense that can be reimbursed out of grant proceeds.

F. Execution and recording of Declaration of Restrictions, Covenants and Easements. Before Progress Payment # 1 is made, the Owner must have executed and delivered to Grantor for recording a Declaration of Restrictions, Covenants, and Easements in form and content satisfactory to the Grantor.

G. Construction Deadlines; Commitment Expiration. Unless otherwise agreed by Grantor, construction must start by the Construction Start Deadline specified above, and completed and invoices submitted before the Expiration Date of this Agreement. Unless otherwise agreed in writing, this grant commitment expires on the Expiration Date indicated in section 1 above.

Waivers must be expressed in writing signed by the authorized representative of the waiving party, and a waiver of a default is limited to the specific default identified in the written waiver and does not constitute a course of dealing or implication that similar defaults will be waived in the future. Continuing to perform under this Agreement does not constitute or imply acceptance of previous performances, defaults, or satisfaction of any disputes regarding this Agreement.

4. *General Provisions:*

A. Assignment; benefitted parties. Rights under this Agreement are assignable to any owner of the Grant Property, provided, however, that the new Owner must execute a new Grant Commitment Agreement. Grantor may assign and delegate its rights and obligation to any entity established to administer the Truckee River Flood Management Project. Payments under this Agreement are to be made only to the owner of the Grant Property and may not be assigned to any other party. This Agreement shall be binding on and runs to the benefit of the parties and their respective successors and any permitted assigns. There are no third party beneficiaries intended by this Agreement and no third parties have any standing to enforce any of the provisions of this Agreement.

B. Voluntary Program; Tax consequences.

1. The receipt of financial assistance under this program is based on the voluntary application by Owner. Owner may withdraw the application and rescind this Commitment at any time up until the first payment of funds is received.

2. Owner is responsible for determining whether or not funds received hereunder are subject to taxation under federal and/or state law. If required by applicable law, Grantor will provide information to the federal Internal Revenue Service regarding the amounts paid to Owner hereunder.

C. Applicable law. This Agreement shall be construed under and governed by the laws of the State of Nevada, and any action to enforce it shall be brought in the Second Judicial District Court for the State of Nevada. Each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Agreement or its application is deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, from the very beginning, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this Agreement. In any event, the remainder of this Agreement shall not be affected.

D. Modifications. This agreement may be modified or amended only upon the written agreement executed by the authorized persons of both parties.

E. Entire Agreement. This Agreement (together with attachments and documents incorporated by reference) integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all representations, warranties, promises or statements

*This form is included for informational use only. Please contact the Flood Project staff for the latest version of this form.

(Form Rev. 8-24-10)

APN:

Grantee Address:
When recorded mail to:
Washoe County
c/o Truckee River Flood Management Project
9390 Gateway Drive, Suite 230
Reno, Nevada 89521-8900

Mail Tax Statements to
(No change in mailing instructions
currently on file with Assessor's Office)

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040.

DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS

(Truckee River Flood Management Project Financial Assistance Program)

1. *Parties and Property Information.*

Date	
"Owner" "Grantor"	
"Beneficiary" "Grantee" "County"	Washoe County, Nevada, for the benefit of the Truckee River Flood Management Project, and its successors and assigns 9390 Gateway Drive, Suite 230 Reno, Nevada 89521-8900
"Grant Property"	Real and personal property described in Exhibit A and all improvements, appurtenances, hereditaments appertaining thereto.
Existing Structures [See ¶ 4 below]	
Minimum Base Floor Elevation	

4. *Agreement to Purchase Flood Insurance*

A. Once the structure has been elevated, Owner agrees to purchase, pay all premiums for and keep in force at all times flood protection insurance insuring against loss of or damage to property as a result of flooding, with a policy limit no less than the value of the improvements on the Land.

B. Said insurance may be issued by any insurer of Owner's choice who is authorized to provide flood insurance in the State of Nevada. It is not necessary for Beneficiary to be a named insured or have any interest in the policy of insurance, and Beneficiary expressly disclaims any right or interest in any proceeds of such insurance. Insurance used to qualify for federally assisted mortgage loans may be used to meet this requirement. If requested by County, Owner agrees to have the insurer provide certificates of insurance.

5. *Restrictive Covenants:*

Owner covenants and agrees that, with respect to all structures which have been elevated with grant funding, as permanent covenants running with the land:

A. That the vents located in the foundation to the elevated structure shall never be blocked, closed or altered in any way that would restrict the free flow of flood waters into the Building Flood Pool Area; and

B. That the Building Flood Pool Area shall be kept vacant or restricted to the use solely for the parking of vehicles and the temporary storage of movable personal goods and belongings. Said Building Flood Pool Area shall never be improved for or used for the habitation of human beings; and

C. That, except for existing structures described in paragraph 1 above, which may be maintained as existing, no new structures for human habitation shall be constructed or maintained on the land with a Base Floor lower than the Minimum Base Floor Elevation specified in paragraph 1 above.

6. *Flowage Easement.*

A. Owner hereby grants to Beneficiary and its successors and assigns a perpetual right, power, privilege, and easement in, upon, over, and across the Grant Property to occasionally overflow, flood, and/or submerge the land, and, if the land becomes submerged for more than three consecutive days, to maintain vector control.

B. SUBJECT TO existing easements and encumbrances of record.

E. Waivers. Any forbearance, inaction, or failure to promptly pursue any remedy (whether intentional or negligent) shall not be deemed a waiver of any default or remedy. Waivers must be expressed in writing signed by the authorized representative of the waiving party, and a waiver of a default is limited to the specific default identified in the written waiver and does not constitute a course of dealing or implication that similar defaults will be waived in the future. Continuing to perform under this Agreement does not constitute or imply acceptance of previous performances, defaults, or satisfaction of any disputes regarding this Agreement.

9. *General Provisions.*

A. Assignment and delegation; binding effect; no third party beneficiary.

1. Beneficiary may assign all its beneficial interests under this Declaration to any entity charged with administering the Truckee River Flood Management program with respect to the Grant Property.

2. Owner hereby obligates all of Owner's heirs, representatives, assigns and all successor owners to the Grant Property.

3. This Agreement shall be binding on and runs to the benefit of the parties, their respective successors and any assignees or delegates if the assignment or delegation is permitted. Unless otherwise specifically identified in this Agreement, there are no third party beneficiaries intended by this Agreement and no third parties have any standing to enforce any of the provisions of this Agreement.

B. Applicable Law; Severability

1. This Agreement shall be construed under and governed by the laws of the State of Nevada.

2. Each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law, taking into account permissible waivers or provisions which may be upon agreement of the parties. If any term or provision of this Agreement or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this Agreement. In any event, the remainder of this Agreement, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

BENEFICIARY

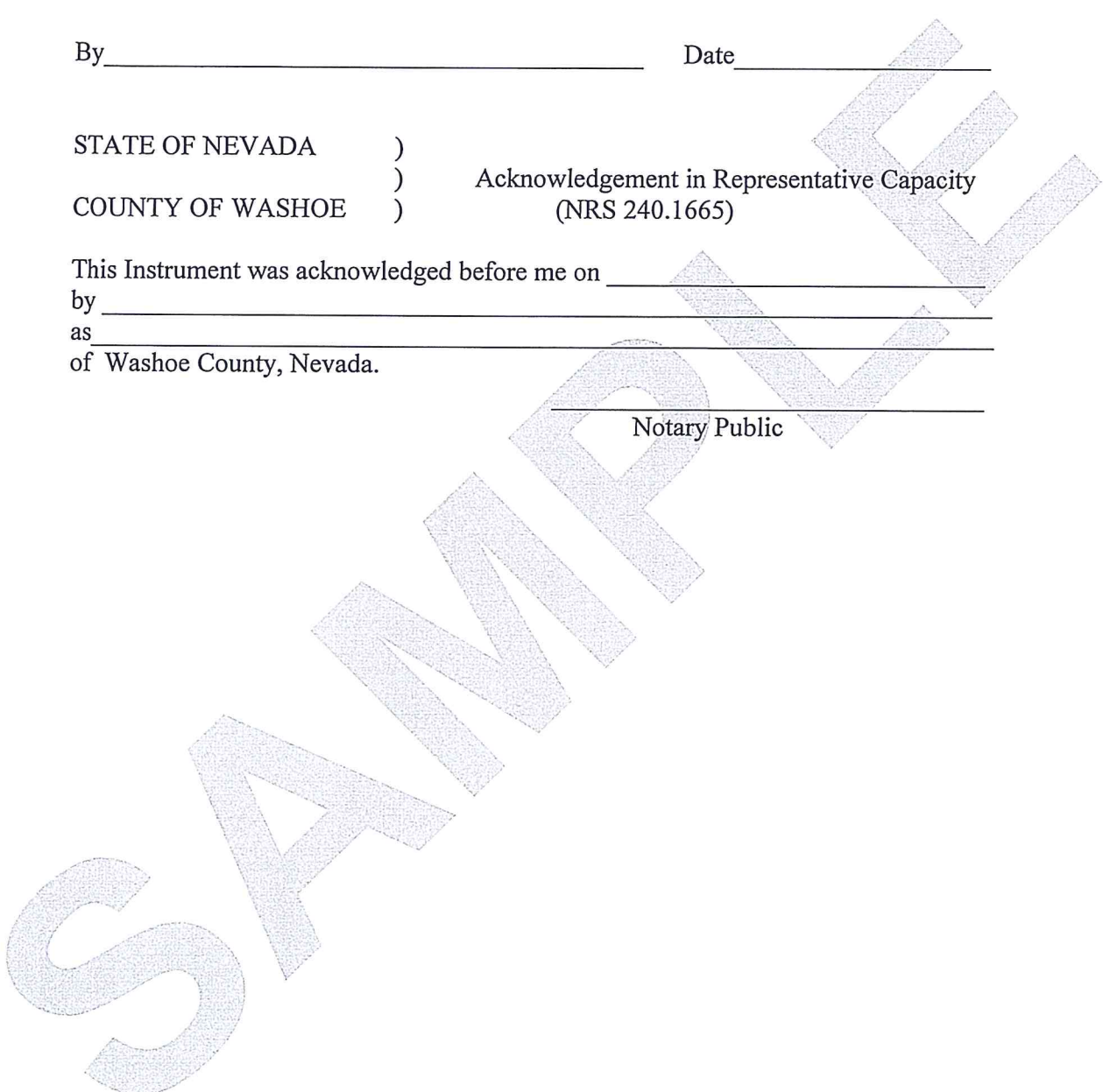
Washoe County, a political subdivision of the State of Nevada, for the benefit of the Truckee River Flood Management Project.

By _____ Date _____

STATE OF NEVADA)
) Acknowledgement in Representative Capacity
COUNTY OF WASHOE) (NRS 240.1665)

This Instrument was acknowledged before me on _____
by _____
as _____
of Washoe County, Nevada.

Notary Public



SUMMARY: An ordinance amending Washoe County Code to establish a financial assistance program to provide grants to owners of public and private property in certain areas to make such property resistant to flood damage.

BILL NO. 1618

ORDINANCE NO. 1439

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING SECTIONS 40.450 THROUGH 40.460 CREATING THE TRUCKEE RIVER FLOOD PROTECTION FINANCIAL ASSISTANCE PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO OWNERS OF PUBLIC AND PRIVATE PROPERTY IN CERTAIN AREAS IN ORDER TO MAKE SUCH PROPERTY RESISTANT TO FLOOD DAMAGE.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1 Chapter 40 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this ordinance.

SECTION 2

40.450 Sections 40.450 through 40.460 shall be known as the Truckee River Flood Protection Financial Assistance Ordinance.

SECTION 3

40.451 Recitals.

1. In May of 2009, the Nevada Legislature enacted Assembly Bill 54 which, upon approval by the Governor, became Chapter 325, Statutes of Nevada, 2009, beginning at page 1428 (the "Act");
2. In Section 3 of the Act, this board of county commissioners is authorized to (a) establish by ordinance a program to provide financial assistance to owners of public and private property in areas likely to be flooded in order to make such property resistant to flood damage; (b) accept gifts, grants and other sources of money to pay the costs associated with such a program; and (c) pay costs

relocating structures outside of an Area Likely to be Flooded;

(d) In the case of the residential Approved Areas described in Attachment A to this ordinance, the adverse effects of flooding to the public health, safety and welfare may be reduced by elevating structures to be above the floodwaters or relocating structures outside the flood zone altogether so to remove property and persons from coming into contact with health and safety hazards of flood waters and assure that properties remain self-contained and continue to receive essential utility services during a flood event, thus reducing the need for public safety calls and services. Further, removing buildings from the floodplain or elevating them so water can pool underneath them allows the natural flows and temporary storage of flood waters over natural floodplains thus reducing depth and velocity of flood waters, and reducing public health and welfare damages to other areas; These public health, safety and welfare benefits may be provided at a fraction of the cost of building flood control structures;

(e) Providing financing for individualized non-structural flood-proofing of the multifamily or commercial buildings in downtown Reno in Approved Areas identified in Attachment A is also a more functional, cost effective and reasonable alternative to protect people and property from the health and safety hazards of floodwaters rather than building and maintaining massive floodwall or levee structures which would be costly, aesthetically and functionally out of place, and would increase flooding downstream; and

(f) As a result of the foregoing, this Commission finds that the creation of this program to provide financial assistance to owners of public and private property in areas that are likely to be flooded is necessary to promote and protect the public health, safety and welfare.

2. Flood Management Authority

Based on a review and approval on February 1, 2010 of key provisions to be included in an interlocal cooperative agreement between Washoe County, the city of Reno and the city of Sparks establishing the Truckee River Flood Management Program, this Commission finds that if the Truckee River Flood Management Authority is established

SECTION 5

40.454 Establishment and Administration of Financial Assistance Program.

1. Establishment of Voluntary Program.

(a) There is hereby established a program to provide financial assistance to owners of public and private property in certain areas in order to make such property resistant to flood damage. The program shall be known as the Truckee River Flood Protection Financial Assistance Program, and shall be subject to and administered in accordance with the Act and this ordinance.

(b) This program expires and no financial assistance may be provided to any person or entity after all applications received on or before June 30, 2019 have been acted on by the Administrator.

(c) Nothing in this ordinance shall be construed to require the board of county commissioners to provide any financial assistance or to require any property owner to apply for or accept financial assistance pursuant to this program. Grants under this program shall be sought by voluntary application and approval shall be under the administrative discretion of the Administrator and subject to availability of funds.

2. General Program Requirements and Administration

a) Grants Only. Financial assistance under this program shall be in the form of grants.

(b) Administering Agency. This program shall be administered by the Truckee River Flood Management Project Department of Washoe County created under this chapter, unless and until the Truckee River Flood Management Authority is duly established and the administration of the program is delegated in accordance with this chapter. For purposes of this Ordinance, the "Administrator" is the department head or chief executive officer of the Administering Agency.

(c) Delegation to Flood Management Authority. When (i) an interlocal cooperative agreement has been entered into by this board of county commissioners establishing the

payments separately and directly required by federal and state law.

(h) Designation of Approved Area.

(1) The areas described in Attachment A to this ordinance are Approved Areas.

(2) Subsequent Approved Areas may be approved by amendment to this Ordinance, except that if the Truckee River Flood Management Authority is the Administering Agency, the governing body of the Authority may add or withdraw an "Approved Area" by resolution, provided that a copy of that resolution is promptly submitted to the Washoe County Clerk.

(3) Approved Areas must be within Washoe County. Before designating an Approved Area, the governing body of the Administering Agency must make a written finding and determination that the Approved Area is in an Area Likely To Be Flooded and that the providing of financial assistance to owners of public and private property in such area is necessary to promote and protect the public health, safety and welfare.

SECTION 6

40.455 General Eligibility for Grants.

1. General. In addition to requirements, limitations or provisions in this ordinance or in regulations of the Administering Agency, financial assistance under this program must meet all the following criteria.

2. Approved Area. Financial assistance must be for projects that are within an Approved Area designated as set out in this chapter.

3. Buildings constructed before July 2009. Financial assistance may not be awarded to protect any building, structure or improvement unless the building, structure or improvement existed or construction had begun on the building, structure or improvement on or before July 1, 2009.

4. Relocation to area not likely to be flooded. Financial assistance may not be used to relocate any

SECTION 7

40.456 Application Process and Fees

1. Deadline. All applications for financial assistance under this program must be submitted to the Administrator on or before June 30, 2019, unless another date is established by state law.
2. Forms. Application forms shall be prescribed by the Administrator. No application forms may require personal information as defined in NRS 603A.040 (Social Security Number, Drivers license or identification number, or any account or credit card number.)
3. Fees. A standard fee of \$500.00 shall be paid with each application. If the Administrator determines that the subject property is not eligible for financial assistance because the elevation of its Base Floor does not meet eligibility requirements set out in this Chapter, the fee will be refunded. Otherwise, the fee is non-refundable. The Administrator may negotiate additional fees from applicants and may change the standard fee by regulation provided that the total fee amount may not exceed the estimated costs of processing the application including all costs of obtaining title reports, environmental studies, surveys, engineering reports or certifications, and appraisals necessary to make determinations under the application.
4. Review and Approval of Applications. Upon submission of an application and payment of the required fees:
 - (a) The Administrator shall first obtain an elevation survey and determine if the applicant and the property are eligible for financial assistance under the program.
 - (b) If the applicant and property are eligible for financial assistance, the Administrator shall, at the Administering Agency's expense, obtain structural evaluations, appraisals, rough renderings of the elevation or relocation, and cost estimates to determine that the cost of the proposed project is less than the value of the improvements.
 - (c) The Administrator shall have complete administrative discretion and may take any action (approve,

percentage of completion of the work to the satisfaction of Administrator), and state a termination date beyond which grant payments will not be made. Grant payments will be made directly and only to the property owner as work is completed, and the Grant Commitment is not assignable.

2. Contract between property owner and contractor. When a Grant Commitment is issued, the building owner shall enter into appropriate contracts with each contractor. The Administrative Agency shall not be a party or a third party beneficiary to that contract but may review it to determine if the contract is acceptable for financial assistance under the program. The building owner's contract with the contractor may include additional work not to be paid for by the grant provided that invoices and inspections distinguish between eligible and ineligible costs for the grant.

3. Payment. Grant payments will be made to the building owner who shall be responsible for making payments to all contractors.

4. Quality Control. The property owner is responsible for assuring that the quality of construction is satisfactory and up to required building and other codes. Inspections by the Administrative Agency are only for the purpose of determining that work has been accomplished in accordance with the sequence contemplated by the Grant Commitment.

SECTION 9

40.458 Contractor Registry and Training

1. General. The Administrator shall keep a registry of and offer training to contractors as follows.

2. Contractor registry. The Administrator shall keep a registry of contractors who have indicated an interest in providing construction or other services relating to elevating, relocating, or flood-proofing properties and have submitted information about their qualifications. The registry and all information submitted is a public document and will be provided to all applicants for financial assistance. The Administrator may withdraw a contractor's name from the registry if the contractor's performance under this program has been unsatisfactory to the

(1) That all improvements will be continuously insured against damage by flood for the value of improvements and contents by an insurer who is qualified to underwrite insurance in the State of Nevada;

(2) That the Building Flood Pool Area shall not be improved for occupation by human beings or used as temporary or permanent living space for human beings;

(3) That all vents or openings intended to accommodate the flowage of flood waters through the Building Flood Pool Area shall never be blocked or altered in a way that impairs the free flowage of water through the Building Flood Pool Area;

(4) That a permanent flowage easement is granted permitting the drainage and flow of storm waters or flood waters over, under and across the land without limitation as to volume, flow or depth.

SECTION 11

40.460 Commercial Building Flood Proofing Assistance

1. General. In addition to the general provisions set forth above, the following standards and requirements apply to grants under this program to multifamily buildings (except duplexes) and commercial properties.

2. Additional Eligibility and Grant Requirements. Multifamily and commercial buildings shall be eligible only for flood proofing, and shall not be eligible for elevation or relocation.

3. Eligible costs. Financial assistance under this program for multifamily buildings or commercial buildings may only be used to pay for the actual and necessary costs of floodproofing properties, as specified in Attachment B or otherwise specified by the Administrator.

4. Construction standards and training. The Administrator shall prepare a construction standards manual for flood-proofing projects and shall offer training to contractors who are listed in the Contractor Registry.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

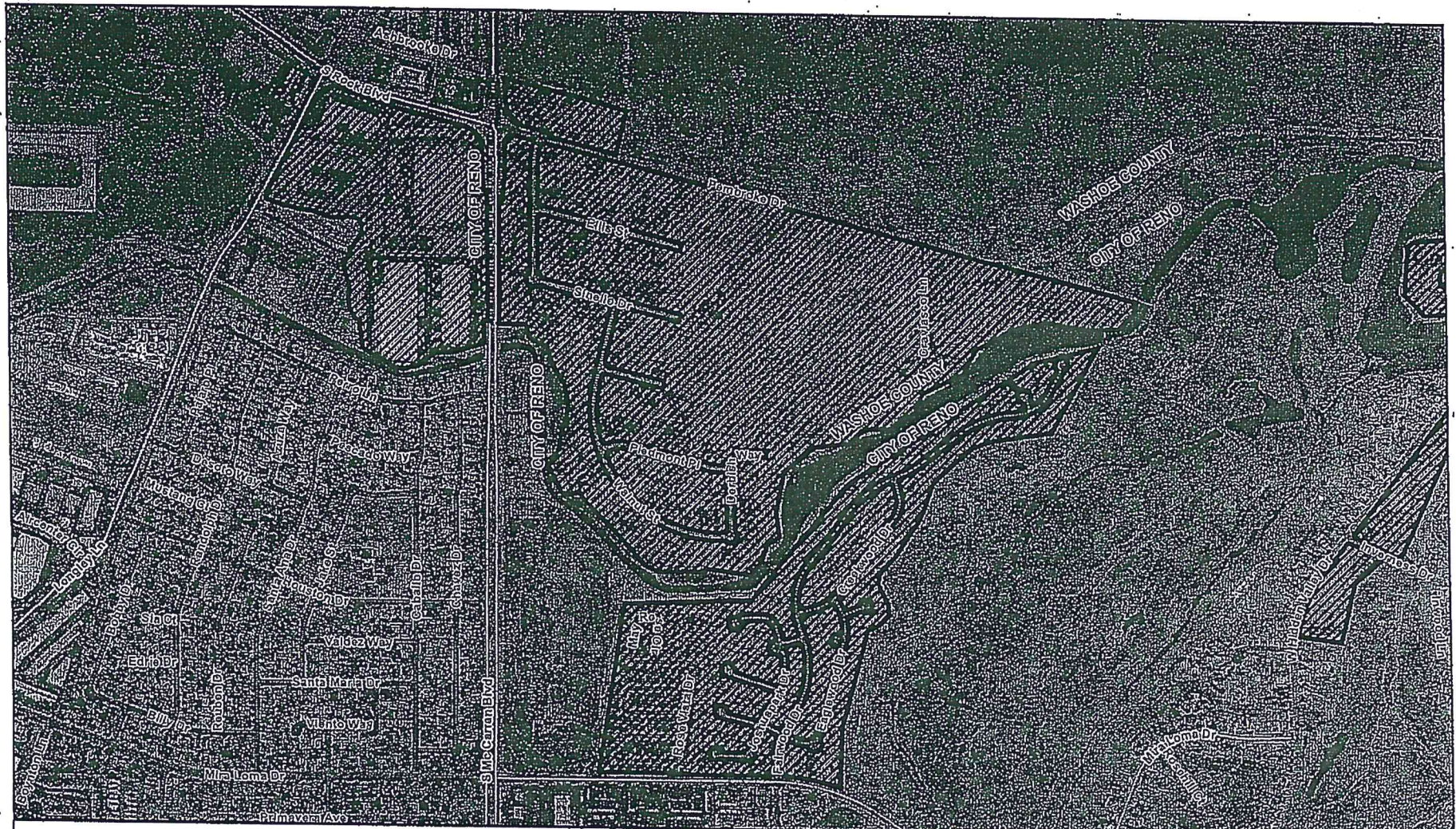
4. This ordinance shall be in effect from and after its publication as hereinafter provided, and after this ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this ordinance shall be published by title only, together with the names of the Commissioners voting for or against and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two weeks by two insertions as required by NRS 244.100 and any other enabling laws.

5. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Attachment A

Approved Areas



Attachment A -- Potential Candidates for AB54 Grant Funding: Eastside



0 500 Feet
 North Arrow
 N

Revised: 03/17/2010
 State Plane Nevada North Zone
 NAD 1983 Printed: March 17, 2010



Maker
 Produced by:
 Michael Baker Corp.
 5390 Gateway Dr., Suite 250
 Reno, NV 89521
 (775) 851-6577

1439

Attachment B

Eligible Costs for Reimbursement

Financial assistance under the Truckee River Flood Project Flood Protection Financial Assistance Program may only be provided for those costs which are actual, reasonable and necessary for making a property resistant to damage by flood. Below is an initial list of the types of eligible and ineligible costs. The Administrator may amend this list by regulation.

1. **ELIGIBLE PLANNING AND PERMIT COSTS** for all types of projects (elevation or relocation of residential properties and floodproofing of commercial properties) include but are not limited to:

- a) Costs of preparing plans and specifications and the certifications required.
- b) Costs of building permit applications
- c) Costs of certificates required for flood insurance applications and determinations.

2. **ELIGIBLE HOME ELEVATION COSTS** include but are not limited to:

- a) Jacking up Base Floors; installation and removal of beams for lifting the house, cribbing for raised house while the new foundation system is being built;
- b) Disconnecting and reconnecting existing utilities.
- c) Elevating all utilities and service equipment (hot water heater, furnace, outlets for electricity, air conditioning, cable, communications etc) and providing meter reading service if needed; This cost includes construction of a utility room above the Base Flood Elevation but only if there is not existing space within the house or if there is no other more cost effective way to elevate the utilities. If new utility room space must be constructed, it cannot be greater than 100 sq ft in gross floor area.
- d) Constructing foundations so the Base Floor is 3 feet above the predicted flood elevation established by the Administrator under this chapter, including seismic upgrades per local codes as required

operations are actual, reasonable and necessary for the completion of the home elevation, relocation, or floodproofing project and provided that the contractor did not damage such items through negligent acts or failure to take proper precautions in protecting such items from damage.

3. INELIGIBLE HOME ELEVATION COSTS include but are not limited to:

- a) Costs which are not actual, reasonable and necessary to make property resistant to flood damage.
- b) Painting of foundations or the walls around Building Flood Pool Areas of structures elevated.
- c) Insulation and drywall for walls of the Building Flood Pool Area.
- d) Upgraded driveways, ramps and entryways.
- e) Siding, except for siding that was damaged in the elevation process.
- f) Landscaping, except landscaping to replace landscaping that was removed.
- g) Costs for elevating the home to any elevation higher than three feet above the predicted flood elevation established by the Administrator under this chapter.
- h) Repairs, rehabilitation, additions, expansions, or elevation of appurtenances except noted in eligible costs above.
- i) Construction or repair of decks or porches except as noted in the "eligible costs" above.
- j) In cases where existing floor systems have been adequately designed or constructed with undersized materials, the homeowner must bear all costs of rehabilitation related to such inadequacies.
- k) Costs of replacement of utility service components which are undersized, of inadequate capacity, or are unsafe, shall be borne by the owner unless directly related to the action of elevating (i.e. well pumps).
- l) Where HVAC systems are expanded or increased in size and capacity, the owner shall bear any such costs beyond the HVAC's capacity to service the home's original square footage prior to elevation.
- m) Where existing underground utility lines have deteriorated, or if such lines do not meet code requirements, additional costs to repair such facilities shall not be eligible for grant funding.

7. INELIGIBLE FLOOD PROOFING COSTS.

- a) Costs that are not actual, reasonable and necessary to make property resistant to flood damage or for flood proofing facilities or improvements that are not approved by the Administrator.

The Administrator shall have administrative discretion to determine suitable home elevation or relocation methods, and the appropriate flood proofing barriers, facilities or improvements on a building by building basis taking into account criteria including, but not limited to:

- (i) experience with elevations and relocations in other areas, or under this program,
- (ii) product history and reliability,
- (iii) warranties and manufacturer support,
- (iv) flood proofing effectiveness,
- (v) cost and cost effectiveness,
- (vi) ongoing costs of operations and maintenance,
- (vii) impact on surrounding buildings or properties, and
- (viii) aesthetic effects.

- e) Replacement of termite damaged or dry rotted wood framing members if such members are directly associated with elevating the home or are required for the recommended seismic bolting or bracing.
- f) Lowering base floors and connecting to foundations.
- g) Minimum costs of exterior sheathing associated with what was damaged or removed during the elevation process.
- h) Building driveways.
- i) Building of new wooden stairs and landings to access the elevated living space per the minimum code requirements. Note: grant funds may not be used to elevate any existing deck; however if an existing deck must be removed to accommodate the lifting of the house, the costs of repair/replacement at its previous level is eligible.
- j) A residence with an attached garage may be eligible for certain costs associated with relocating the garage under the elevated house. However, if the predicted flood elevation established by the Administrator under Subsection 2.03 (g) of the Ordinance, would only require the house to be elevated four (4) feet, grant money may not be used pay any costs associated with elevating the house above that level to accommodate the garage.
- k) Where the owner or members of the owner's family are physically handicapped, certain access facilities are granted eligible upon written confirmation from a physician. Such facilities may include an access ramp or mechanical lift where ramps are not technically feasible.
- l) Rough grading of the yard and the seeding of grass if these areas were damaged by equipment during the elevation process or where the elevation process affects slopes and/or stabilization of the structure or surrounding structures.
- m) Insulation of water pipes within 5 feet of the water heater.
- n) New roofing where roof lines are altered by elevation of improvements.
- o) Costs associated with repair or replacement of items damaged by contractor's operations, provided such operations are actual, reasonable and necessary for the completion of the home elevation, relocation, or floodproofing project and provided that the contractor did not damage such items through negligent acts or failure to take proper precautions in protecting such items from damage.

3. INELIGIBLE HOME ELEVATION COSTS include but are not limited to:

- a) Costs which are not actual, reasonable and necessary to make property resistant to flood damage.
- b) Painting of foundations or the walls around Building Flood Pool Areas of structures elevated.
- c) Insulation and drywall for walls of the Building Flood Pool Area.
- d) Upgraded driveways, ramps and entryways.
- e) Siding, except for siding that was damaged in the elevation process.

- a) Costs that are not actual, reasonable and necessary to relocate the property.
- b) Home Elevation costs at new site.
- c) Upgraded driveways, ramps and entryways.

6. ELIGIBLE FLOOD PROOFING OF COMMERCIAL BUILDINGS COSTS include but are not limited to:

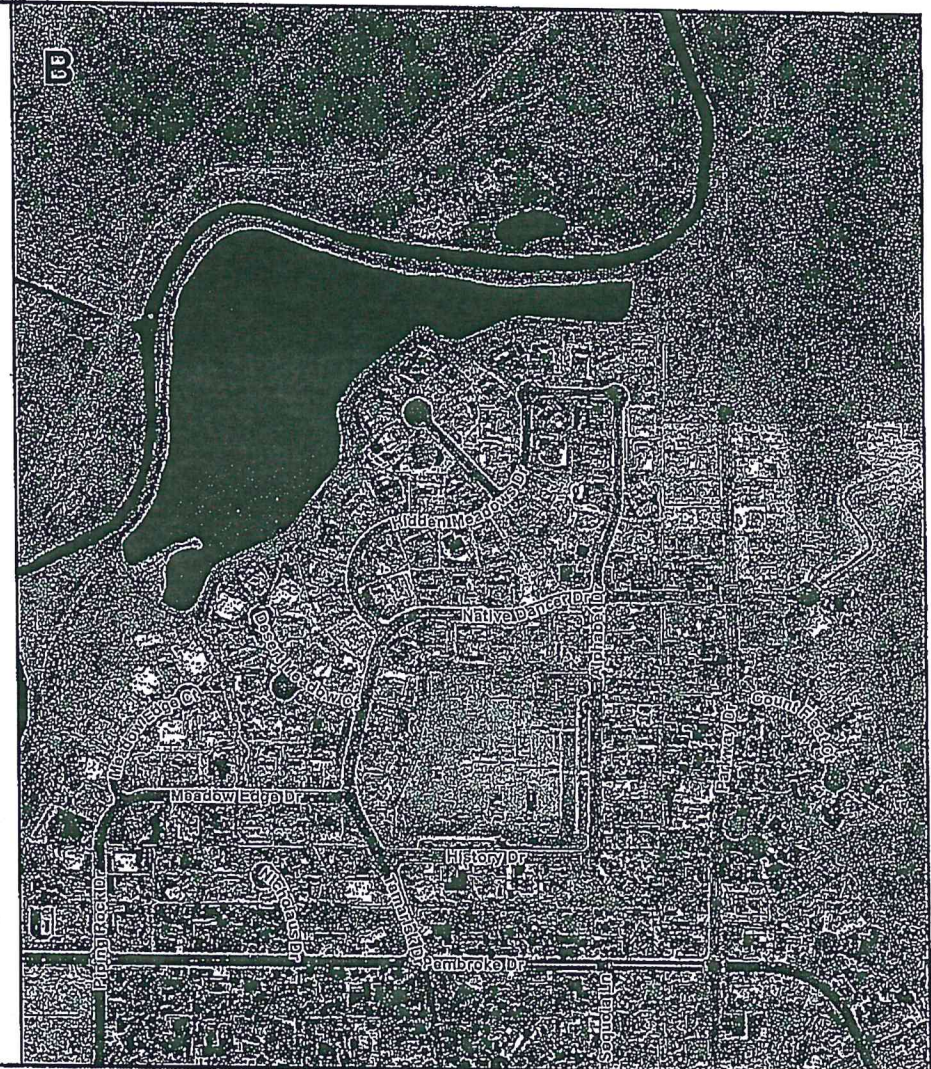
- a) Cost of excavating and preparing land for and installing approved barriers or other flood proofing facilities or devices and replacing existing landscaping.
- b) Cost of installing sealants, seals, watertight materials and techniques to improvements.
- c) Cost of preparing existing buildings (including removing existing improvements such as windows, doors, etc) for and installing approved flood proofing improvements.

7. INELIGIBLE FLOOD PROOFING COSTS.

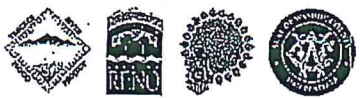
- a) Costs that are not actual, reasonable and necessary to make property resistant to flood damage or for flood proofing facilities or improvements that are not approved by the Administrator.

The Administrator shall have administrative discretion to determine suitable home elevation or relocation methods, and the appropriate flood proofing barriers, facilities or improvements on a building by building basis taking into account criteria including, but not limited to:

- (i) experience with elevations and relocations in other areas, or under this program,
- (ii) product history and reliability,
- (iii) warranties and manufacturer support,
- (iv) flood proofing effectiveness,
- (v) cost and cost effectiveness,
- (vi) ongoing costs of operations and maintenance,
- (vii) impact on surrounding buildings or properties, and
- (viii) aesthetic effects.



Attachment A -- Potential Candidates for AB54 Grant Funding: Hidden Valley



0 500 Feet

Revised: 1/17/10
 State Plane: Nevada, NAD 83
 UTM Zone: 12N
 Printed: March 17, 2010



Produced by:
 Michael Baker Corp.
 2500 Calaveras Dr., Suite 240
 Reno, NV 89521
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DRAFT
 4/7/10

1939



Attachment A -- Potential Candidates for AB54 Grant Funding: Downtown



0 500 Feet

AB54_Downtown_April_2010.mxd
 StatePlane_Nevada West_FIPS_2100_Feet
 NAD_1983 Printed: March 17, 2010

Potential Candidates for Flood Proofing

City Limits



Baker

Produced by:
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 Reno, NV 89521
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DRAFT
 4/7/10

1439

only. DATED: May 26, 2010 AMY HARVEY, Washoe County Clerk and Clerk of the Board
of County Commissioners No. 701397 - May 28, June 4, 2010

The full cost of this program is undetermined but the program is expected to be funded regularly throughout the coming years, given the financial ability of the Flood Project to apply funding to this program. During the January 21, 2010 Flood Project Coordinating Committee meeting, the FPCC approved this project as a TRAction¹ project and further approved an initial project budget of \$2,000,000. A rough estimate for the cost estimate of the home elevation program has been previously determined at approximately \$10,000,000 dollars. Currently the cost estimate for the floodproofing is not available.

County Priorities supported by this item: Improve Public Safety, Security and Health.

PREVIOUS ACTION

- | | |
|-------------------|--|
| March 10, 2006 | FPCC adopted the Community (Locally) Preferred Plan (LPP) including a levee in the Hidden Valley area. |
| November 17, 2006 | FPCC approved the Hidden Valley Traction project (Phase I-Feasibility) |
| February 9, 2007 | FPCC approved a contract with HDR, Inc. for a Preliminary Engineering Study |
| February 27, 2007 | BCC approved a contract with HDR, Inc. for a Preliminary Engineering Study |
| March 14, 2008 | FPCC approved an amendment to the engineering contract for the Hidden Valley Project to expand the feasibility project to include evaluation of home elevation and the potential for buyouts. |
| April 15, 2008 | BCC approved an amendment to the engineering contract for the Hidden Valley Project to expand the feasibility project to include evaluation of home elevation and the potential for buyouts. |
| June 2009 | The Nevada Legislature approved AB 54 to allow Washoe County and the Flood Project to award grants to individuals to assist with elevation of their homes |
| November 13, 2009 | FPCC adopted the Second Amendment to the Infrastructure Sales Tax Plan, which amended the flood project description (LPP) to include non-structural alternatives and the possibility of elevating homes in lieu of construction of a levee |

¹ TRAction Projects are those projects which the local sponsors undertake in advance of the Federal Corps of Engineers' Flood Project. Funding for these projects is provided entirely by the local sponsors. If the requirements of the Corps' Section 104 are met, the Corps will approve the project for future cost sharing pending authorization of the federal flood project.

flood damage, and set a public hearing date for a second reading and possible adoption of the proposed ordinance for May 25, 2010. Further, that the Board approve the Financial Assistance Program so proposed as a TRAction Project with initial funding set at \$2,000,000.

ATTACHMENTS

- Attachment A: Basis for the Ordinance
- Attachment B: Flood Project Financial Assistance Program Ordinance
- Attachment C: Eligible Costs for Reimbursement
- Attachment D: Maps of Areas Potentially Eligible for Financial Assistance

Committee meeting, the FPCC approved this project as a TRAction¹ project and further approved an initial project budget of \$2,000,000. A rough estimate for the cost estimate of the home elevation program has been previously determined at approximately \$10,000,000 dollars. Currently the cost estimate for the floodproofing is not available.

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| November 13, 2009 | FPCC adopted the Second Amendment to the Infrastructure Sales Tax Plan, which amended the flood project description (LPP) to include non-structural alternatives and the possibility of elevating homes in lieu of construction of a levee |
| January 21, 2010 | The FPCC approved the Truckee River Flood Project Home Elevation Program as a TRAction Project in an amount not to exceed \$2,000,000 for Phase I |

¹ TRAction Projects are those projects which the local sponsors undertake in advance of the Federal Corps of Engineers' Flood Project. Funding for these projects is provided entirely by the local sponsors. If the requirements of the Corps' Section 104 are met, the Corps will approve the project for future cost sharing pending authorization of the federal flood project.

Attachment A

Basis for Ordinance - Findings

Hidden Valley Project – Home Elevation

A portion of the original Hidden Valley development is currently protected by a substandard, non-certified levee (berm) originally constructed with the first phase of the subdivision during the early 1960s. The FPCC approved a TRAction project to accelerate implementation of the flood protection for the approximately 55 Hidden Valley homes which flood frequently. When the Hidden Valley TRAction Project was originally conceived it was thought that the existing levee could be expanded or enhanced to provide the recommended design level of storm protection for the adjacent structures.

HDR was hired by the flood project to analyze various alternatives to protect the homes. The study considered as many as five alternatives for each of the three areas of the project. The two figures below show the locations of the originally proposed levee/floodwall (**Figure 1**) and the associated cost comparison of the various alternatives analyzed during the HDR study (**Figure 2**).

After thoroughly evaluating various flood protection alternatives and costs, the Hidden Valley Project Preliminary Engineering Report, dated August 2008, by HDR Inc. proposed elevating the homes in the area instead of building a levee around them as the preferred and most economical solution to reduce flood damages. A floodwall or levee would have a high initial cost, as well as permanent “on-going” maintenance costs; raising homes would provide the necessary flood protection yet reduce construction and maintenance costs as well as reduce liability exposure to the Flood Project.

The homeowners from Hidden Valley were invited to participate in the study by attending five stakeholder meetings during which they were educated on conditions of the project, encouraged to ask questions, and learned about the issues associated with each of the proposed solutions. At the conclusion of the stakeholder process, a straw poll revealed the stakeholders first flood protection choice to be the “non-structural” property buy-out option; there was only minimal support for the structural solutions in the form of levees or floodwalls.

It is clear from the cost table that the sum of the buyout option at \$33.6 million is less than any of the structural alternatives which cost in the range of \$48.8 - \$57.6 million. Of note, the structural alternatives were less preferred than the buyout option by the stakeholders.

The other non-structural alternative, home elevation, was estimated at \$15.3 million for all three phases (or areas) of the project, and is the obvious least cost alternative. This alternative also received numerous positive comments from the stakeholders, but was not as highly supported as the buyout option. The estimate for the Hidden Valley home elevation option has since been re-calculated with revised information from other communities and the Corps. The cost is now expected to be in the range of \$100,000 per home or about \$5.5 million total. This represents a significant reduction in the earlier \$15.3 million cost estimate and represents an obvious, cost effective solution to protect this area from flood damages.

Eastside Subdivision Home Elevation

Home Elevation and Floodproofing have been part of both the Truckee River Flood Project's Locally Preferred Plan (LPP) and National Economic Development Plan (NED) since their inception circa 2005. In each of these plans, the area initially targeted for home elevation included approximately 60 residences located within the Eastside Subdivision, **Figure 3**.

Home elevation was chosen by the Corps of Engineers as a solution for the protection of Eastside Subdivision residents based on anticipated costs for various options. The number of homes that may qualify for the program in the Eastside Subdivision is roughly the same as for Hidden Valley (60), yet the massive floodwall or levee structure that is needed to protect this area is on the order of two to three times the length of the facility that would be needed to protect Hidden Valley. Based on this understanding it is reasonable to assert that there would even be a greater economic incentive to recommend the non-structural home elevation options as a flood protection solution for the Eastside Subdivision residents as compared to Hidden Valley. Based on the revised information as noted in the Hidden Valley discussion (above), the cost of elevating homes in Eastside Subdivision is estimated at \$6 million.

Downtown Floodproofing

Additionally, five structures in downtown Reno have been proposed for "dry"¹ floodproofing (**Figures 4 and 5**). This method of flood protection is well suited to non-residential areas, including commercial, industrial and multifamily facilities which can not be elevated. The economic analysis conducted for Hidden Valley and Eastside relies on the concept that constructing massive structures along the river for protection of just a

¹ Dry Floodproofing refers to protecting a structure from flooding without elevating or moving the structure. It includes a number of techniques among which include special floodproof doors and windows with enhanced water seals, special sealants for the walls, or construction of "on-site" barriers in the form of earthen berms or watertight walls around the structure's perimeter. The goal of each technique is to protect the structure in place.



Figure 5 –Additional Downtown Floodproofing

Home Elevation and Relocation – General

Home elevation and floodproofing fall into the category of non-structural flood protection solutions. The general concept is to protect individual structures and allow flood waters to circulate around, or in some cases beneath, the structure. The structural solutions generally include construction of a flood barrier such as a levee embankment or floodwall to confine the floodwaters within the bed and banks of the river.

The benefits for each category of solutions are not equivalent; however when considering the tremendous amount of property damage caused by each significant storm event, both solutions will prevent the excessive monetary loss due to flood damage. In areas where non-structural types of solutions are constructed, it is possible for flood waters to engulf the streets and property landscaping. This can pose a dangerous situation but public safety is based on the principal that individuals evacuate prior to the event or remain in the structures that have been floodproofed and are safe for occupancy during the storm event. Although structural solutions prevent water from circulating through local streets, etc., flood swollen rivers are extremely dangerous and curious individuals can find danger whether structural or non-structural solutions are used.

Flood Project staff have meet with the Hidden Valley Homeowners Association and Rosewood Lakes homeowners and discussed the potential for the home elevation program going forward; as a result, home elevation has become a very popular option. Fourteen homeowners have already registered their interest to be “first in line” to

The proposed Home Elevation Program meets all of the above stated criteria.

Sponsor: The properties considered for this Financial Assistance Program are all located within Washoe County. Currently the area being proposed for floodproofing is also located within the City of Reno, as is a portion of the home elevation program area. Due to dual jurisdictions, it is recommended that the Flood Project itself be the governmental sponsor of this TRAction Project. It is also expected that respective jurisdictional public works and building department staff may be employed for assistance.

NED and LPP plans: Currently, the NED and LPP plans contain both the Eastside Subdivision home elevation and the downtown Reno floodproofing. However, the Hidden Valley elevation project is currently only included in the LPP plan, not the NED plan. The Corps has acknowledged that the home elevation solution for Hidden Valley should be included in the NED in lieu of the proposed floodwall that is now proposed. The Corps is taking the necessary steps to make this change before completion of the GRR. The FPCC formalized the substitution of the home elevation program for the floodwall option in Hidden Valley for the LPP during the approval of the NRS 377B amendments in November 2009.

Adverse Impact: Implementation of the Home Elevation Program will have no impact to the flood elevation. Since the nature of home elevation is to lift the structure in-place and provide for inundation of the structure beneath, the cumulative flood storage created will more than offset any storage lost during the collective elevation process.

Standalone: This project will reduce flood impacts to the homeowners who participate and will not induce flooding to any other residents or businesses. In fact, by creating more flood storage overall, the program will reduce flooding on other properties even if the rest of the LPP is never constructed.

Feasibility and Cost Effectiveness: A variety of home elevation projects have been completed throughout the country. Flood Project staff have recently visited three separate programs: New Orleans, LA; Tehama, CA; and Placer County, CA. Examples of these projects will be shown during the presentation on this item. Clearly, the technical issues have been resolved in other communities.

The affordability and flexibility of the proposed program allows for minimum expenditure amounts in the thousands of dollars per home instead of multi-millions of dollars for structures. As shown in Figure 1, in the Hidden Valley example, shifting from constructing a floodwall to elevating homes is estimated to save approximately \$42 million dollars (\$57.6 million for the floodwall vs. \$15.3 million for home elevation.) Actual costs for the home elevation program are expected to be even less than estimated, potentially increasing the cost savings to the program budget to about \$50 million. Since not all individual projects must be undertaken at once, a reasonable and flexible schedule meeting the timing needs of the Flood Project and available funding can be determined.

- o Facilitate warranty work by contractor
- o Facilitate optional upgrades requested by homeowner not covered through the program
- o The program will include flexibility to add additional qualified structures for elevation and the floodproofing structures currently in the NED and LPP. Staff is currently evaluating the potential for homeowners within the Rosewood Lakes Subdivision to participate in the program. Staff has delineated the area boundaries in the ordinance maps (Ordinance Attachment A) sufficiently to pickup all of the properties that are anticipated to qualify under the terms of this ordinance.

Staff expects to work closely with the Corps of Engineers team to ensure that the program being developed will contain all the elements as required by the Corps or this program. A Section 104 approval will be requested from the Corps prior to beginning construction.

Findings Summary

There are 5 findings in the ordinance that will be summarized in this section. Restated excerpts from the ordinance are shown in italics.

A. *Significant flooding has occurred numerous times in Washoe County during the past 100 years.*

The following table lists some of the more significant storm events and peak discharges

<u>Date</u>	<u>Peak Flow</u>	<u>Approx. Probability</u>
March 18, 1907	18,500 cfs	90 yr
January 16, 1909	10,100 cfs	30 yr
March 26, 1928	18,800 cfs	90 yr
November 21, 1950	17,000 cfs	80 yr
December 4, 1950	11,700 cfs	35 yr
December 23, 1955	20,800 cfs	95 yr
February 1, 1963	18,400 cfs	90 yr
February 17, 1986	14,400 cfs	50 yr
January 1, 1997	23,200 cfs	117 yr
December 31, 2005	16,000 cfs	70 yr

B. *In areas likely to be flooded, the adverse effect of flooding may be reduced by (i) building flood control structures such as levees, floodwalls, flood prevention facilities, ground and river bank terracing and the like, or (ii) by nonstructural methods such as*

addressed either through home elevation, relocation or flood proofing will remain self contained during the event and all public services such as water, power, and sewer should continue to function during the event. Also floodwaters in and around the Truckee Meadows do not remain for extended periods of time as is the case in the eastern United States, so it is not expected that those participating in this program would be isolated for long periods during the storm events.

Public Health:

- I. Storm water itself consists of a combination of pollutants and sewage overflows and bacteria, as well as excessive flows. Public entry into flooded water is potentially extremely dangerous through contact with the flood water. Safe locations are ultimately established through the Financial Assistance Program to protect the public from having to expose themselves to this health threat.

D. Providing financing for non-structural flood proofing of multifamily or commercial building in downtown Reno in Approved Areas....is a more functional, cost effective and reasonable public safety, health and welfare solution than to build and maintain massive floodwall or levee structures.

The dry floodproofing alternative recommended for the Reno downtown areas will eliminate the need for constructing significant structural alternatives once considered for this area, in some cases, for just protecting one building. Although flood insurance rates are usually not reduced through implementation of dry floodproofing techniques, the property is protected from flooding to the same degree as if a structural wall had been built, the overall costs of construction and maintenance are all reduced, and the property is still protected.

E. ...this Commission finds that the creation of this program to provide financial assistance to owners of public and private propertyis necessary to promote and protect the public health, safety and welfare.

Upon inception of the Federal Project, all of the areas which flood as a direct result of the Truckee River swelling beyond the limits of its bed and banks were examined for appropriate and efficient solutions to protect the public, including their lives and property from repetitive damage. Each area was reviewed and solutions proposed to eliminate or substantially reduce the threat of flooding from the river. Significant structural solutions which include floodwalls and levees are proposed for many areas to protect greater areas but when it makes good economic sense, non-structural solutions were proposed to protect the exposed pocket areas. It has been the intention throughout this project to protect all citizens from this frequent flood threat and this Financial Program is in keeping with this goal.

CHAPTER 40

WATER AND SEWAGE

Waste of Water

- 40.010 Exercise of authority by county commissioners.
- 40.020 Purpose; intent.
- 40.030 Definitions.
- 40.040 "Customer" defined.
- 40.050 "Department" defined.
- 40.060 "Excessive" defined.
- 40.070 "Hand watering" defined.
- 40.080 "Irrigate" defined.
- 40.090 "Person" defined.
- 40.100 "Public water system" defined.
- 40.110 "Running to waste" defined.
- 40.120 "Shall" defined.
- 40.130 "Unincorporated area" defined.
- 40.140 "Wastage of water" defined.
- 40.150 "Wastewater" defined.
- 40.160 "Water" defined.
- 40.170 Waste of water prohibited.
- 40.180 Definition of "waste" of water; classification of conditions under which consumption or expenditure of water is wasteful.
- 40.190 Tampering with water meter prohibited.
- 40.200 Accidental wastage of water; notice of violation precondition to prosecution for violation.
- 40.210 Furnishing water used in violation of sections 40.010 et seq. unlawful.
- 40.220 Enforcement.
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- 40.230 Conditions constituting wasteful use of water under emergency circumstances.
- 40.240 Designation of areas within unincorporated area for emergency enforcement.
- 40.250 Presumption.
- 40.260 Infraction; notice and filing with agencies of infraction; service; duties of respondent; judicial enforcement.
- 40.265 Appeal; notice of appeal; judicial enforcement of fine or assessment.
- 40.266 Schedule of civil fines and assessments.

- 40.454 Establishment and Administration of Financial Assistance Program.
- 40.455 General Eligibility for Grants.
- 40.456 Application Process and Fees.
- 40.457 Grant Commitments; Owner Responsibilities.
- 40.458 Contractor Registry and Training.
- 40.459 Residential Elevation or Relocation Assistance.
- 40.460 Commercial Building Flood Proofing Assistance.

Water Planning Commission

- 40.500 Purpose and authority.
- 40.510 Creation.
- 40.520 Definitions.
- 40.530 Commission; membership; terms; qualifications; alternates.
- 40.540 Chairman; meetings; quorum.
- 40.550 Funding; water fee surcharge; duties of water suppliers; sunset.
- 40.560 Rules; records; commission action on water plan and amendments; conditions precedent to adoption of plan or amendments.
- 40.570 Conformance review; qualified facilities; notice.
- 40.580 Final decision; time period.
- 40.590 Appeal; wait on denials.

Waste of Water

- 40.010 Exercise of authority by county commissioners.
Pursuant to NRS 244.3665, the board hereby exercises its lawful authority to:
1. Prohibit any waste of water within the unincorporated areas of the county by customers of a public water system;
 2. Classify the conditions under which specified kinds and amounts of the use, consumption or expenditure of water are wasteful;
 3. Provide for reasonable notice to water users who are customers of a public water system in the unincorporated area of the county of the existence of such conditions;
 4. Require any person, group of persons, partnership, corporation or other business or governmental entity which is not a public water utility regulated by the public service commission of Nevada and which furnishes water by means of a public water system to any person, customer or user who wastes water within the meaning of sections 40.010 to 40.266, inclusive, to reduce or terminate water service to any such customer or user;

created. The director shall be selected by the Flood Project Coordinating Committee and appointed by the county pursuant to the consent procedures established in the Truckee River Flood Management Project Cooperative Agreement and is in the unclassified service of the county.

2. The project director serves at the pleasure of the Coordinating Committee and the county, subject to the consent procedures in the Cooperative Agreement.

3. The project director shall report to the county manager on a day-to-day basis for operations supervision and administrative oversight within the parameters of the policy direction of the Coordinating Committee.

['3, Ord. No. 1272]

40.420 Duties of the flood management project director.

1. The flood management project director shall direct and supervise all planning, administrative, and technical activities of the Department of the Truckee River Flood Management Project and advance the interests of the project with business groups, regulatory and government agencies, and environmental groups.

2. The director shall oversee all functions of the department and shall supervise the employees assigned to the department.

['4, Ord. No. 1272]

Truckee River Flood Protection Financial Assistance Ordinance.

40.450 Title: Sections 40.450 through 40.460 shall be known as the Truckee River Flood Protection Financial Assistance Ordinance.

['2, Ord. No. 1439]

40.451 Recitals.

1. In May of 2009, the Nevada Legislature enacted Assembly Bill 54 which, upon approval by the Governor, became Chapter 325, Statutes of Nevada, 2009, beginning at page 1428 (the "Act");

2. In Section 3 of the Act, this board of county commissioners is authorized to (a) establish by ordinance a program to provide financial assistance to owners of public and private property in areas likely to be flooded in order to make such property resistant to flood damage; (b) accept gifts, grants and other sources of money to pay the costs associated with such a program; and (c) pay costs associated with such a program through the use of: (1) revenue and bond proceeds derived from a flood management project, except that no bond proceeds may be used to provide any loans pursuant to the program; (2) funds from the infrastructure fund of the county; and (3) Gifts, grants and other sources of money available to the board of county commissioners; and

3. In Subsection (4) of Section 3 of the Act, this board of

flood-proofing of the multifamily or commercial buildings in downtown Reno in Approved Areas identified in Attachment A is also a more functional, cost effective and reasonable alternative to protect people and property from the health and safety hazards of floodwaters rather than building and maintaining massive floodwall or levee structures which would be costly, aesthetically and functionally out of place, and would increase flooding downstream; and

(f) As a result of the foregoing, this Commission finds that the creation of this program to provide financial assistance to owners of public and private property in areas that are likely to be flooded is necessary to promote and protect the public health, safety and welfare.

2. Flood Management Authority

Based on a review and approval on February 1, 2010 of key provisions to be included in an interlocal cooperative agreement between Washoe County, the city of Reno and the city of Sparks establishing the Truckee River Flood Management Program, this Commission finds that if the Truckee River Flood Management Authority is established pursuant to such agreement that it would be a "flood management authority" as defined in the Act.

['4, Ord. No. 1439]

40.453 Definitions.

1. Except where the context otherwise requires, the definitions set forth in this section govern the construction of Sections 40.450 through 40.460.

2. Administrative Agency means the agency charged with administering this financing Program.

3. Administrator means the head of the Administrative Agency.

4. Approved Area means an area which has been approved for grants under this program as provided in this Chapter.

5. Area Likely to be Flooded is any area that has actually flooded or is determined by the Administrator (based on results of hydraulic models used by the Administrator) as likely to flood during a flood characterized as a "117 year event."

6. Base Floor of a building is the lowest floor which is occupied by human beings or intended to be occupied by human beings.

7. Building Flood Pool Area means any area beneath the Base Floor of a structure. The Building Flood Pool Area is created, in part, by elevation of the structure so that flood waters can accumulate underneath the structure without damaging the Base Floor. Garages, carports, storage areas and other spaces that are underneath a Base Floor which has been elevated under this financial assistance program are specifically included in this definition.

8. Flood-proofing means building of barriers around or making improvements to buildings to make them resistant to flood damage.

grants and other sources of money to pay the costs associated with this program.

(e) Costs. The Administrator is authorized to pay costs associated with the program through the use of: (1) revenue and bond proceeds derived from the Truckee River Flood Management Project, except that no bond proceeds may be used to provide any loans; (2) the Infrastructure Fund established pursuant to NRS 377B.150, but subject to requirements and limitations set forth in applicable law and in the Infrastructure Tax Plan adopted and amended from time to time under NRS 377B.100 and NRS 377B.160; and (3) gifts, grants, and other sources accepted as provided in this chapter.

(f) Regulations. The Administering Agency may, by resolution, adopt regulations regarding the administration of the program so long as they do not conflict with the provisions of this Ordinance.

(g) Relocation Expenses under Uniform Relocation Act. If an owner-occupant, a tenant, or a business is required to relocate temporarily in connection with the elevation or relocation of a dwelling or place of business, the Administrator shall determine whether or not any person is eligible for benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq) and implementing regulations (49 CFR Part 24) "URA" and if required, shall comply with the URA. See 49 CFR 24 Appendix A Section 24.2(a)(9)(ii)(D). Payments made under the URA are not considered part of any grant made hereunder but are payments separately and directly required by federal and state law.

(h) Designation of Approved Area.

(1) The areas described in Attachment A to this ordinance are Approved Areas.

(2) Subsequent Approved Areas may be approved by amendment to this Ordinance, except that if the Truckee River Flood Management Authority is the Administering Agency, the governing body of the Authority may add or withdraw an "Approved Area" by resolution, provided that a copy of that resolution is promptly submitted to the Washoe County Clerk.

(3) Approved Areas must be within Washoe County. Before designating an Approved Area, the governing body of the Administering Agency must make a written finding and determination that the Approved Area is in an Area Likely To Be Flooded and that the providing of financial assistance to owners of public and private property in such area is necessary to promote and protect the public health, safety and welfare.

['6, Ord. No. 1439]

40.455 General Eligibility for Grants.

1. General. In addition to requirements, limitations or provisions in this ordinance or in regulations of the Administering Agency, financial assistance under this program

40.456 Application Process and Fees

1. Deadline. All applications for financial assistance under this program must be submitted to the Administrator on or before June 30, 2019, unless another date is established by state law.

2. Forms. Application forms shall be prescribed by the Administrator. No application forms may require personal information as defined in NRS 603A.040 (Social Security Number, Drivers license or identification number, or any account or credit card number.)

3. Fees. A standard fee of \$500.00 shall be paid with each application. If the Administrator determines that the subject property is not eligible for financial assistance because the elevation of its Base Floor does not meet eligibility requirements set out in this Chapter, the fee will be refunded. Otherwise, the fee is non-refundable. The Administrator may negotiate additional fees from applicants and may change the standard fee by regulation provided that the total fee amount may not exceed the estimated costs of processing the application including all costs of obtaining title reports, environmental studies, surveys, engineering reports or certifications, and appraisals necessary to make determinations under the application.

4. Review and Approval of Applications. Upon submission of an application and payment of the required fees:

(a) The Administrator shall first obtain an elevation survey and determine if the applicant and the property are eligible for financial assistance under the program.

(b) If the applicant and property are eligible for financial assistance, the Administrator shall, at the Administering Agency's expense, obtain structural evaluations, appraisals, rough renderings of the elevation or relocation, and cost estimates to determine that the cost of the proposed project is less than the value of the improvements.

(c) The Administrator shall have complete administrative discretion and may take any action (approve, disapprove, rank, hold, delay or place on waiting lists) on applications based on any legally permissible reason, including, but not limited to, eligibility, location of property, severity of flooding, degree of flood protection being provided, grouping of contracts to maximize contract opportunities, compliance with program priorities or policies, costs verses benefits being provided, and availability of funding. Approval of an application is only a determination of general eligibility of a property for financial assistance and does not constitute or imply a commitment of the Agency to provide such financial assistance as further determinations must be made before a Grant Commitment is entered into.

(d) An applicant may decline financial assistance or withdraw an application at any time for any reason or no reason at all.

1. General. The Administrator shall keep a registry of and offer training to contractors as follows.

2. Contractor registry. The Administrator shall keep a registry of contractors who have indicated an interest in providing construction or other services relating to elevating, relocating, or flood-proofing properties and have submitted information about their qualifications. The registry and all information submitted is a public document and will be provided to all applicants for financial assistance. The Administrator may withdraw a contractor's name from the registry if the contractor's performance under this program has been unsatisfactory to the Administrator. Applicants for financial assistance may use any contractor of their choice provided that the Administrator may decline to provide grants if any work is to be done by a contractor or subcontractor who is unlicensed or whose performance under this program has been unsatisfactory to the Administrator.

3. Training. Each contractor in the registry shall be offered training to be provided by or approved by the Administrator regarding the program requirements and construction standards and techniques.

['10, Ord. No. 1439]

40.459 Residential Elevation or Relocation Assistance.

1. General. In addition to the general provisions set forth above, the following standards and requirements apply to grants under this program to single family residences or duplexes.

2. Additional Eligibility and Grant Requirements

(a) Elevation or Relocation. Residential properties shall be eligible only for elevation or relocation. A residence that is relocated will not be elevated.

(b) Eligible costs. Financial assistance under this program for residences may only be used to pay for the actual and necessary costs of either elevating or relocating residential properties, as specified in Attachment B or otherwise approved by the Administrator.

(c) Construction standards and training. The Administrator shall prepare a constructions standards manual for elevation and relocation projects and shall offer training to contractors.

(d) Deed Restrictions. Financial assistance shall not be provided unless the property owner executes and records a declaration of covenants, conditions and restrictions to run with the land and improvements being elevated or relocated. Said CC & Rs are to be on a form approved by the Administrator and must, to the satisfaction of the Administrator include the following provisions which must be binding on the owner and all subsequent owners:

(1) That all improvements will be continuously insured against damage by flood for the value of improvements and contents by an insurer who is qualified to underwrite insurance

including liability arising from the impact that the facilities may have on flooding on other land.

(c) That a permanent flowage easement is granted permitting the drainage and flow of storm waters or flood waters over, under and across the land without limitation as to volume, flow or depth.

['12, Ord. No. 1439]

Water Planning Commission

40.500 Purpose and authority.

1. The 1995 Nevada Legislature enacted Senate Bill 489, certain provisions of which were effective July 1, 1995, which bill provides for comprehensive planning and management of water in certain counties (hereinafter "Act"). The Act authorizes Washoe County to engage in water planning activities and to impose by ordinance a surcharge of up to 1.5 percent on customer water bills within the region as herein defined for planning.

2. The county of Washoe desires to implement the provisions of the Act to assure that a water plan is completed, or substantial progress made thereon, and approved in whole or in part prior to March 31, 1997, for presentation to the Nevada Legislature.

['2, Ord. No. 935]

40.510 Creation. The Washoe County water planning commission is hereby created, pursuant to the provisions of Senate Bill 489 of the Sixty-Eighth Session of the Nevada Legislature, to perform all the duties and functions delegated to the water planning commission by the terms of the Act.

['3, Ord. No. 935]

40.520 Definitions.

1. "Affected entity" means a city within the region or a governmental entity or public utility providing services related to the subject matter of the comprehensive water plan.

2. "Board" means the board of county commissioners.

3. "Commission" means the water planning commission.

4. "Facility" means a facility enumerated in section 40.570.

5. "Public water, wastewater or flood control system" means a water, wastewater or flood control facility intended to serve an identified territory or specified geographical area.

6. "Region" means the territory to be included within and under the planning and management jurisdiction of the water planning commission, to wit: all of Washoe County except the Tahoe Basin, reservation lands and all property north of Township 25.

7. "Regional planning commission" means the commission established pursuant to NRS 278.0262.

8. "Water supplier or provider" means any mutual water

elective office and must be qualified as to at least one of the following categories:

- (a) A registered professional engineer with experience related to comprehensive planning, natural resources or environmental protection;
- (b) A specialist in hydrology;
- (c) Experienced in law, management or planning related to water;
- (d) Experienced in municipal finance;
- (e) Experienced in construction, planning or operation of facilities or systems for supplying or treating water, for collecting or treating sewage, for drainage of storm water, or for control of floods;
- (f) Knowledgeable in the areas of water conservation, biology, natural systems, water quality and water management.

5. The body appointing either a voting or nonvoting member of the commission shall designate an alternate to serve in the absence of the member for the same term. The appointees may be removed for cause by the appointing body in accordance with procedures established by the appointing body.

['5, Ord. No. 935]

40.540 Chairman; meetings; quorum.

1. The chairmanship of the commission shall be rotated on July 1 of each year among the members appointed pursuant to section 40.530 (1)(a), (b) and (c).

2. Meetings of the commission shall be held at least monthly and any time upon the call of the chairman or three voting commission members. Notices of meetings shall be sent to all commission members, both voting and nonvoting, and as otherwise provided in NRS chapter 241.

3. A quorum consists of a majority of the voting members and, except as otherwise provided in section 40.560 (3), action may be taken upon an affirmative vote of a majority of voting members.

['6, Ord. No. 935]

40.550 Funding; water fee surcharge; duties of water suppliers; sunset.

1. There is hereby imposed a fee of 1.5 percent on billings of customers of water suppliers or providers within or to the region as defined in section 40.560 herein.

2. The fee shall not be imposed upon any late penalties, handling fees, turn-ons, turn-offs, or other similar fees.

3. All water suppliers and providers shall state and identify the fee imposed herein separately on its billings or charges to customer effective with the first full billing cycle commencing on or after October 1, 1995.

4. All fees collected by a water supplier or provider pursuant to this section shall be deposited into a special account in the county water management fund and all monies, including any

paragraph 5 herein, the commission shall initiate a total plan review of the initial adopted plan no later than January of the year 2002 and shall review the plan at least every three years thereafter. After each review pursuant to this section, the commission must submit any proposed amendment to the board or report there are none.

7. A plan, or amendment to the plan, must be adopted by the board by a two thirds vote of the total board membership and receive a determination of conformance by the regional planning commission prior to it becoming effective.

8. The procedures for notice and public hearings on the initial plan and any amendments shall be those established in the Act.

['8, Ord. No. 935; A Ord. Nos. 971, 1009]

40.570 Conformance review; qualified facilities; notice.
Facilities requiring conformance review pursuant to NRS 540A.230 are classified for purposes of conformance review as follows:

1. Facilities subject to review and decision by the commission:

(a) Large facilities recognized in the water plan, as defined by the commission and maintained on a list in the department of water resources;

(b) Proposed public water and/or wastewater systems;

(c) Flood control facilities.

2. Facilities subject to review and placed on a consent agenda for approval or denial as recommended by staff to the commission:

(a) Facilities not meeting the requirements of paragraph 1 but processing sewerage in excess of 187,500 gallons per day;

(b) Facilities not meeting the requirements of paragraph 1 but supplying water in excess of 625 acre feet per year;

(c) Small facilities recognized in the water plan, as defined by the commission and maintained on a list in the department of water resources;

(d) Facilities not meeting the requirements of paragraph 1 requiring a state discharge permit.

3. For purposes of determining the type of review pursuant to this section, no facility may be knowingly or intentionally segmented or phased to result in a lesser level of review.

['6, Ord. No. 1009]

40.580 Final decision; time period.

1. Any proposal for the construction of a facility subject to review pursuant to section 40.570 hereinabove must be acted upon within 30 days of an application determined complete has been submitted unless the time period for review is waived by the applicant in writing.

2. Notice that the application has been received and the period for comment to staff and/or date of hearing before the commission must, at minimum, be provided to the citizen advisory

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Additional Considerations, Requirements, and Costs for each Home Elevation in Lemmon Valley

1. Hire an independent Civil/Structural Engineering firm to determine the structural worthiness of each home prior to issuing a permit for elevation. Because safety is of paramount importance, the same Engineering firm will need to certify the structural integrity of the dwelling prior to the Certificate of Occupancy being issued by Washoe County. County Taxpayers should not be held liable in the event of a structural failure.
2. Cost of permits from Washoe County Building & Safety, Truckee Meadows Fire Protection, and the Washoe County Health Department.
3. All homes will require an Asbestos Report and Permit from the Health Dept.
4. The estimates given for elevating the foundations makes no mention of the finished height in relation to the recognized BFE. Should we require a minimum height above the BFE? How might that change the cost proposal per dwelling unit? TRFMA's HE Handbook requires 3ft above the BFE.
5. Licensed Contractor to disconnect and reconnect Electrical, Telephone, Cable, Propane, and internal and external Plumbing – Water & Sewer.
6. Prices quoted by Structure Mover do not include clearing overhead lines.
7. Prices quoted by Structure Mover do not include repair of cracks in walls, floors ceilings, plaster, masonry or fireplaces.
8. Prices quoted by Structure Mover do not include repair work of any kind.
9. Prices quoted by Structure Mover do not include any change orders by homeowner that involve additional costs.
10. Provide an Engineered Septic System capable of operating during a Flood Event

11. Abandon the existing Septic Line and Tank.
12. Raise the height of Well-Head and seal all connections to ensure no infiltration of Flood Water for possible extended periods.
13. Raise the height of the Propane Tank and create access during a Flood Event.
14. Raise the Driveway to provide access to the dwelling during a Flood Event.
15. Geotechnical soils analysis, and report to evaluate and assess risks posed by saturated site conditions prior to setting the foundational Helical Piles or Piers.
16. Set the foundational Helical Piles or Piers to the specifications required by a Licensed Geotechnical Engineering firm.
17. Should Washoe County provide temporary housing for residents during the Home Elevation process?
18. Will Washoe County taxpayers become responsible to board and care for **HEP** resident's Livestock during future Flood Events?
19. Should the homeowner be required to purchase Flood Insurance through an authorized NFIP (National Flood Insurance Program) Agent once the Elevation work has been completed?
20. Should the County require deed restrictions on all **HEP** recipients so any future improvements on the property be continuously insured against damage by flood for the value of improvements and all contents therein?
21. Will Washoe County be responsible to repair esthetic issues and/or landscaping after the home is elevated? (Paint on foundation or scrapes on siding, ect...)
22. If it is determined, the cost to Elevate the home exceeds the value of the structure, what happens?
23. Will Washoe County need to elevate surrounding streets to provide access during Flood Events? Has this been factored into the overall cost estimations?

24. Do Residents understand the IRS may consider help given by the **HEP** a taxable event when not funded by **FEMA**?

The Truckee River Home Elevation Handbook under Section 3, Grant Commitment and Agreement, Item 4 General Provisions:

B: Voluntary Program; Tax consequences.

2: Owner is responsible for determining whether or not funds received hereunder are subject to taxation under federal and/or state law. If required by applicable law, Grantor will provide information to the federal Internal Revenue Service regarding the amounts paid to Owner hereunder - ie...Form 1099