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Ord. 738

349008

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MONTH

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

February

x

March

x

PROOF OF PUBLICATION

STATE OF NEVADA, ss.
COUNTY OF WASHOE

Mary Lynda Burke

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice of _____ County Ordinance

_____ of which a copy is hereto attached, was first published in said newspaper in its issue dated the 26th day of Feb., 19 88 and, Mar. 4th., the full period of 2 days, the last publication thereof being in the issue of Mar. 4th. 19 88

Signed Mary Lynda Burke

Subscribed and sworn to before me this

4th. day of March, 19 88

Alice L. Buffalo
Notary Public

NOTICE OF COUNTY ORDINANCE
NOTICE IS HEREBY GIVEN that Bill No. 913, Ordinance No. 738, entitled, "An ordinance amending chapter 100 of the Washoe County Code by repealing and adding provisions regulating the development of real estate in areas subject to flooding," was adopted on February 23, 1988, by Commissioners Beck, Cornwall, Lillard, McDowell, and Williams.
Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk.
Judi Bailey, County Clerk
349008-Ord.738
Feb 26, Mar 4-mb133

ALICE L. BUFFALO
Notary Public - State of Nevada
Appointment Recorded In Washoe County
MY APPOINTMENT EXPIRES JUNE 5, 1989

SUMMARY: Amends Washoe County Code by revising provisions of Flood Hazard Reduction Ordinance.

BILL NO. 913

ORDINANCE NO. 738

AN ORDINANCE AMENDING CHAPTER 100 OF THE WASHOE COUNTY CODE BY REPEALING AND ADDING PROVISIONS REGULATING THE DEVELOPMENT OF REAL ESTATE IN AREAS SUBJECT TO FLOODING.

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

SECTION 1. Chapter 100 of the Washoe County Code is hereby amended by adding thereto the provisions set forth in sections 2 through 21, inclusive, of this ordinance.

SECTION 2.

100.600 Short title; purpose.

1. Sections 100.600 to 100.695, inclusive, shall be known and may be referred to as the Flood Hazard Reduction Ordinance.

2. The purpose of sections 100.600 to 100.695, inclusive, is to safeguard the public health, safety and welfare by establishing guidelines and requirements for the development of property within areas determined to be subject to flood damage.

SECTION 3.

100.605 Warning and disclaimer of liability. The degree of flood protection required by sections 100.600 to 100.695, inclusive, is considered reasonable for purposes of complying with the minimum standards required by the Federal Insurance Administration for maintaining eligibility for Washoe County property owners who desire flood insurance, the availability of which, or the rates for which, may be dependent upon the existence of this ordinance, and for maintaining eligibility for the Washoe County area for federal disaster relief.

The degree of flood protection required by this ordinance is not intended to create a standard or duty of care on the part of Washoe County or any other person or entity related to the design, construction, inspection or maintenance of flood or drainage facilities. This ordinance does not imply that land outside flood hazard areas or limited flooding areas or uses permitted within such areas will be free from flooding or flood damage. Larger floods can and will occur. This ordinance shall not create liability on

the part of Washoe County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on sections 100.600 to 100.695, inclusive, or any administrative decision lawfully made thereunder.

Nothing in this ordinance may be construed as a determination that any flood or drainage facility is adequate in any respect, including without limitation, adequacy of design, construction, inspection, or maintenance. Failure of any person or entity to comply with the ordinance is not intended to provide a basis for negligence or any other type of claim for relief; failure to comply has the sole effect of jeopardizing eligibility for federal funding or other federal assistance respecting flood damage or flood insurance.

This ordinance is not intended to alter the rights, obligations or liabilities of property owners who develop real estate in areas subject to this ordinance or in areas subject to flooding. Such legal status shall remain as provided by other law, without reference to this ordinance. The minimum standards of this ordinance do not relieve a property owner of the responsibility to do more than this ordinance requires, if more is required to provide adequate protection for the property being developed and for other properties that may be affected.

SECTION 4.

100.610 Definitions. Unless defined in this section, the words or phrases used in sections 100.600 to 100.695, inclusive, shall be interpreted to give them the meaning they have in common usage and to give the Flood Hazard Reduction Ordinance its most reasonable application. The following words and phrases when used in sections 100.600 to 100.695, inclusive, shall have the meanings respectively ascribed to them:

1. "Alluvial fan" means an area subject to flooding when the floodplain is comprised of a series of low flow channels where sediment accompanies the shallow flooding and unstable soils scour and erode during a flood.

2. "Area of shallow flooding" means a designated AO Zone on the Flood Insurance Rate Map. The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

3. "Base flood" means the flood having a 1 percent chance of being equaled or exceeded in any given year.

4. "Board" means the board of county commissioners of Washoe County.

5. "Development" means any man-made change to improved or unimproved real estate, including the construction of

buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

6. "Engineer" means a professional engineer registered pursuant to chapter 625 of NRS.

7. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland waters; or

(b) The unusual and rapid accumulation of runoff of surface waters from any source.

8. "Flood boundary floodway map (floodway)" means the official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

9. "Flood hazard area" means the area designated as being flooded by the base flood, and is designated as "Zone A, A0, AH, A1-30 and A99" on the Flood Insurance Rate Map.

10. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated the flood hazard area, the limited flooding area, and the risk premium zones applicable to the community.

11. "Flood insurance study (FIS)" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

12. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved property.

13. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot. The floodway is delineated on the flood boundary floodway map.

14. "Highest existing grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

15. "Limited flooding area" means the area between the limits of the base flood (100 year flood) and the 500 year flood; or certain areas subject to 100 year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood. This area is designated as "Zone B" on the Flood Insurance Rate Map.

16. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a

basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance.

17. "Manufactured unit" means a prefabricated structure in one or more sections that is assembled on-site with a permanent foundation.

18. "Manufactured home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailer and other similar vehicles.

19. "New construction" means structures for which the start of construction commenced on or after August 1, 1984.

20. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

21. "Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure.

22. "Structure" means a walled and roofed building or manufactured home, including a gas or liquid storage tank that is principally above ground.

23. "Substantial improvement" means any repair, reconstruction, or improvement to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial

improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

"Substantial improvement" does not include:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

24. "Surveyor" means a land surveyor registered pursuant to chapter 625 of NRS.

25. "Variance" means a grant of relief from the requirements of sections 100.600 to 100.695, inclusive, which permits construction in a manner that would otherwise be prohibited.

SECTION 5.

100.615 Lands to which Flood Hazard Reduction Ordinance applies. Sections 100.600 to 100.695, inclusive, apply to all flood hazard areas and limited flooding areas within the unincorporated areas of Washoe County.

SECTION 6.

100.620 Basis for establishing flood hazard areas and limited flooding areas. The flood hazard areas and limited flooding areas identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Washoe County, Nevada, Unincorporated Areas" dated February 1, 1984, and subsequent revisions with the accompanying Flood Insurance Rate Map, which is hereby adopted and incorporated into the provisions of 100.600 to 100.695, inclusive. The Flood Insurance Study is on file at the Washoe County public works department, 1205 Mill Street, Reno, Nevada, 89502.

SECTION 7.

100.625 Compliance. No structure or land shall, after August 1, 1984, be constructed, located, extended, converted, or altered without full compliance with sections 100.600 to 100.695, inclusive, and other applicable laws and regulations.

SECTION 8.

100.630 No abrogation of restrictions; more stringent requirements prevail.

1. Sections 100.600 to 100.695, inclusive, are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

2. If those sections or a chapter of this code, or any easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent requirement shall prevail.

SECTION 9.

100.635 Interpretation; construction. In the interpretation and application of the Flood Hazard Reduction Ordinance, all provisions shall be considered as minimum requirements, shall be liberally construed in favor of Washoe County, and shall be deemed to neither limit nor repeal any other powers granted under state or local statute, ordinance or regulation.

SECTION 10.

100.640 Letter of map amendment.

1. If an owner or developer of property believes the property to be inappropriately designated as being in a flood hazard area, or an area of limited flooding on the Flood Insurance Rate Map, appeal may be made to the Federal Emergency Management Agency (FEMA). If the appellant shows either that the property is higher in elevation than the base flood, that the elevation of the base flood is incorrect, or that the boundaries of the base flood are incorrect, the Federal Emergency Management Agency will provide the owner or developer with a Letter of Map Amendment (LOMA) which will exempt the property from the requirements of the Flood Hazard Reduction Ordinance and which may exempt the owner from the mandatory purchase of flood insurance.

2. All appeals must be submitted to the public works director for review. The public works director will transmit the appeals to the Federal Emergency Management Agency for its consideration. Appeals must include the following:

(a) An actual stamped copy of the recorded plat of the property showing official recordation and proper citation, or a photocopy of the property's legal description as shown on the recorded deed (e.g., lot, block, and plot number, etc.), together with a photocopy of the appropriate page of the county assessor's parcel map.

(b) A copy of the Flood Insurance Rate Map (FIRM) with

the location of the property identified.

(c) Certification by an engineer or surveyor stating:

(1) The type of structure;

(2) The elevation of the lowest finished grade adjacent to the structure, which must be above the base flood elevation; and

(3) The elevation of the top of the lowest finished floor.

(d) When appealing the elevation or boundaries of the base flood, a thorough technical hydrological study of the contributing area which will substantiate the appeal must be submitted and must be certified by an engineer.

(e) A signed copy of the statement asserting the accuracy of the information, submitted on the form entitled "Request for Letter of Map Amendment".

SECTION 11.

100.645 Building or grading permit required. Any person desiring to construct, locate, extend, convert, or alter a structure or alter any land within any flood hazard area or limited flooding area must obtain a building or grading permit, or both. The county department of public works shall determine whether the proposed development is within any flood hazard area or limited flooding area. If the development is within either of those zones, the procedures and requirements set forth in sections 100.650 to 100.690, inclusive, must be satisfied before either a building or grading permit, or both, is issued.

SECTION 12.

100.650 Responsibilities of the owner or developer.

1. The owner or developer shall submit the following information for review by the department of public works:

(a) The elevation of the base flood at each site proposed for development, within a flood hazard area or a limited flooding area.

(b) In a numbered Zone A1-30 (e.g., A2, A4, A6), proposed elevation in relation to mean sea level of the top of the lowest floor of all structures, certified by an engineer or surveyor; in an unnumbered Zone A, Zone AO and Zone B, elevation of highest existing grade and proposed elevation of the top of the lowest floor of all structures, certified by an engineer or surveyor.

(c) Proposed elevation in relation to mean sea level to which any structure will be floodproofed, certified by an engineer or surveyor.

(d) Certification by an engineer that the floodproofing methods used for any nonresidential structure meet the floodproofing criteria in section 100.660.

(e) Plans for any watercourse proposed to be altered or relocated, which must be designed by an engineer in conformance with the requirements of Washoe County. The flood carrying capacity of the unaltered watercourse shall be maintained in the altered watercourse.

(f) An operation and maintenance plan for any acceptable flood protection measures (e.g., levees, dams, dikes, reservoirs).

2. The owner or developer shall obtain a permit from the State of Nevada division of state lands and any other applicable agency before altering or relocating any waterway under the jurisdiction of such agency. This permit will be provided to the department of public works.

3. The owner or developer is responsible for compliance with all provisions of sections 100.600 to 100.695, inclusive. Additionally, the owner or developer shall provide the department of public works with "as-built" certification by an engineer or surveyor as to the elevation requirements of those sections or if floodproofing is a permissible means of compliance, shall provide the department of public works with "as-built" certification by an engineer as to the floodproofing requirements for any applicable nonresidential structure. Said certification shall be provided prior to issuance of certificate of occupancy.

SECTION 13.

100.655 Responsibilities of the county.

1. The department of public works will review all permit applications to determine:

(a) That the requirements of sections 100.600 to 100.695, inclusive, have been satisfied; and

(b) That the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point.

2. The department of public works will maintain for public inspection and make available as needed for flood insurance policies all certifications required by sections 100.600 to 100.695, inclusive.

3. The department of public works will insure that adjacent affected communities and the State of Nevada division of emergency management are notified prior to any alteration or relocation of a watercourse and submit evidence of such notification to Federal Emergency Management Agency.

4. The department of public works will provide interpretations, where needed, as to the location of the boundaries of the flood hazard areas and limited flooding areas, and the elevation of the base flood, if known.

5. If base flood elevation data has not been provided in accordance with section 100.620, the department of public works shall obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state, or other source including data developed in section 100.670 subsections 1 and 2, as criteria for requiring that new construction, substantial improvements or other improvements in flood hazard areas as shown on the existing FIRM meet the standards in sections 100.660, 100.675, and 100.680. If deemed necessary by the department of public works, the owner or developer may be required to provide an engineered hydrological study to determine the base flood flow and elevations.

6. The department of public works will maintain on file all operation and maintenance plans submitted by the developer for every acceptable flood protection measure.

SECTION 14.

100.660 Standards of construction. In all flood hazard areas, and limited flooding areas, the following standards are required:

1. Anchoring:

(a) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) All manufactured home units shall meet the anchoring standards of subsection 1 of section 100.675.

2. Construction materials and methods:

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall use methods and practices that minimize flood damage.

(c) All elements that function as a part of the structure (such as furnace, hot water heater, air conditioner, etc.) shall be elevated to 1 foot or more above the base flood elevation or depth number specified on the Flood Insurance Rate Map.

(d) All new construction and substantial improvements, which have fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer and must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped

with screen, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters. The exterior walls of all new construction and substantial improvements which have fully enclosed areas below the lowest floor that are subject to impact forces and drag forces shall also be designed by a registered professional engineer to withstand these and all hydrodynamic flood forces.

(e) All new construction and substantial improvements must be elevated on stem walls, piling, columns, or armored fill so that the top of the lowest floor is elevated in conformance with 3 a, b, c, d, e or f of this section. It should be noted that a Letter of Map Amendment will not be granted by FEMA to structures elevated on stemwalls, pilings or columns.

3. Elevation and floodproofing:

(a) In a numbered Zone A1-30 (e.g., A2, A4, A6), new construction and substantial improvement of any structure shall have the top of the lowest floor (including basement floor) elevated to 1 foot or more above the base flood elevation. Nonresidential structures must meet the standards in subsection 3(e) of this section.

(b) Zone AO, areas subject to alluvial fan flooding, have irregular flow paths that result in erosion of existing channels and the undermining of fill material. In every such zone:

(1) All structures must be securely anchored to minimize the impact of the flood and sediment damage.

(2) New construction and substantial improvement to any structure shall have the top of the lowest floor (including basement floor) elevated to at least 1 foot above the depth number specified on the Flood Insurance Rate Map. Nonresidential structures must meet the standards in subsection 3 (e) of this section.

(3) Use of all fill materials must be armored to protect the material from the velocity of the flood flow.

(4) All proposals for subdivision development must provide a mitigation plan that identifies the engineering methods used to:

(a) Protect structures from erosion and scour caused by the velocity of the flood flow; and

(b) Capture or transport flood and sediment flow through the subdivision to a point of deposition that will not create a health or safety hazard.

(c) In an unnumbered Zone A, new construction and substantial improvement to any structure shall have the top of the lowest floor (including basement) elevated to either:

(1) A height of at least 2 feet above the highest adjacent undisturbed ground elevation if no base flood elevation has been determined; or

(2) A height of at least 1 foot above the base flood

elevation as determined by an engineered hydrological study provided by the owner or developer, if deemed necessary by the department of public works.

Nonresidential structures must meet the standards in subsection 3 (e) of this section.

(d) In Zone B, new construction and substantial improvement to any structure shall have the top of the lowest floor (including basement floor) elevated to at least 2 feet above the highest adjacent undisturbed ground elevation. Nonresidential structures must meet the standards of subsection 3 (e) of this section.

(e) Nonresidential construction shall either be elevated in conformance with subsection 3 (a), (b), (c), or (d) of this section, or, together with attendant utility and sanitary facilities, be floodproofed to the same appropriate elevations as the top of the lowest floor elevations as indicated in subsection 3 (a), (b), (c) or (d) of this section. Examples of floodproofing include, but are not limited to:

- (1) Installation of watertight doors, bulkheads, and shutters.
- (2) Reinforcement of walls to resist water pressure.
- (3) Use of paints, membranes, or mortars to reduce seepage through walls.
- (4) Addition of mass or weight to the structure to resist flotation.
- (5) Armor protection of all fill materials from scour and erosion.

(f) Manufactured homes shall meet the standards set forth in this section for residential structures and also the standards in section 100.680.

SECTION 15.

100.665 Standards for utilities.

1. All new and replacement water supply and sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 16.

100.670 Standards for subdivisions.

1. All tentative subdivision maps shall identify the flood hazard area, the limited flooding area, and the elevation of the base flood.

2. All subdivision improvement plans shall identify the flood hazard area, the limited flooding area, the elevation

of the base flood, and the elevation of every proposed structure, pad and adjacent grade. If the site is filled above the base flood, the final pad elevation shall be certified by an engineer or surveyor and provided to the department of public works.

3. All subdivision proposals shall be consistent with the need to minimize flood damage.

4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

5. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

6. No subdivision improvement shall be placed in a floodway, except as provided in section 100.680.

SECTION 17.

100.675 Standards for manufactured home parks and subdivisions in flood hazard areas and limited flooding areas.

1. All new manufactured homes and additions to manufactured homes in flood hazard areas and limited flood areas shall be set on permanent foundation by anchoring the unit to resist flotation, collapse, or lateral movement by one of the following methods:

(a) By providing an anchoring system designed to withstand horizontal forces of 15 pounds per square foot and uplift forces of 9 pounds per square foot, and vertical (down) loading as required by NRS 489.251; or

(b) By the anchoring of the unit's system, designed to be in compliance to the Department of Housing and Urban Development Mobile Home Construction and Safety Standards; or

(c) By bolting the frame or undercarriage to a reinforced, permanent foundation such as a stem wall, retaining wall or storm wall used to set the unit.

2. In addition to subsection 1 of this section, the following standards are required for manufactured homes not placed in manufactured home parks or subdivisions:

(a) Adequate surface drainage and access for a manufactured home hauler shall be provided.

(b) All manufactured homes shall be placed on stem walls, pads or lots elevated on compacted fill and protected against erosion or on pilings so that the lowest floor of the manufactured home is at least 1 foot above the base flood level. If elevated on pilings:

(1) The lots shall be large enough to permit steps;

(2) The pilings shall be placed in stable soil no more than 10 feet apart; and

(3) Lateral reinforcement shall be provided for pilings taller than 6 feet above ground level.

A Letter of Map Amendment will not be granted by FEMA to structures elevated on pilings or columns.

3. No manufactured home shall be placed in a floodway, except as provided in section 100.680.

SECTION 18.

100.680 Development in floodways prohibited.

1. Each and every new encroachment, including fill, new construction, substantial improvement, and other development, is prohibited in a designated floodway, except as provided in subsection 2 below.

2. Improvements will be allowed in the floodway for the following cases only, and must be certified by a registered professional engineer demonstrating that the improvements shall not result in any increase in flood levels during the occurrence of the base flood discharge, and that the improvements meet the standards in sections 100.660, 100.665, 100,670 and 100.675:

- (a) Substantial improvements.
- (b) Manufactured homes to be installed in an existing manufactured home park or subdivision which was completed prior to August 1, 1984.
- (c) Structures to be constructed in an existing subdivision which was recorded prior to August 1, 1984.

SECTION 19.

100.685 Appeal board; variance procedures.

1. The board shall hear and decide appeals and requests for variances from the requirements of sections 100.600 to 100.695, inclusive.

2. The board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination.

3. In passing upon such applications, the board shall consider all technical evaluations and all relevant requirements, factors and standards specified in sections 100.600 to 100.695, inclusive, and shall also consider:

- (a) The danger that materials may be swept onto other lands to the injury of others.
- (b) The danger to life and property due to flooding or erosion damage.
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (d) The importance of the services provided by the proposed facility to the community.
- (e) The necessity to the facility of a waterfront location, where applicable.
- (f) The availability of alternative locations that are

not subject to flooding or erosion damage and would suffice for the proposed use.

(g) The compatibility of the proposed use with existing and anticipated development.

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities (such as sewer, gas, electrical, and water systems, and streets and bridges).

4. Upon consideration of the factors set forth in subsection 3 of this section and the purpose of the Flood Hazard Reduction Ordinance, the board may attach such conditions to the granting of variances as it deems necessary to further the purpose of the Flood Hazard Reduction Ordinance.

5. The Washoe County public works department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 20.

100.690 Conditions for variances.

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this section.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:

(a) A showing of good and sufficient cause such as renovation, rehabilitation, or reconstruction. It is not good and sufficient cause for a variance to be issued upon the basis of economic considerations, aesthetics or because variances have been used in the past.

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(c) A determination that the granting of a variance

will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing local laws or ordinances.

5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 21.

100.695 Penalties for violations. Any person who violates a provision of sections 100.600 to 100.695, inclusive, is guilty of a misdemeanor and shall be punished as provided in section 125.050.

SECTION 22. Sections 100.600 through 100.700, inclusive, of the Washoe County Code are hereby repealed.

SECTION 23. Section 22 shall take effect at 8:00 a.m. on March 4, 1988. Sections 1 through 21, inclusive, shall take effect on 8:01 a.m. on the same day.

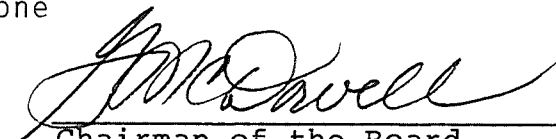
Proposed on the 2nd day of February, 1988.
Proposed by Commissioners Williams.
Passed on the 23rd day of February, 1988.

Vote:

Ayes: Commissioners: Cornwall, Lillard, McDowell, Williams & Beck

Nays: Commissioners: None

Absent: Commissioners: None



Chairman of the Board

ATTEST:



County Clerk

This ordinance shall be in force and effect from and after the 4th day of March, 1988.