

PROWERS COUNTY, COLORADO APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

*Direct inquiries to: Land Use Administrator.
1001 South Main, Suite #133 Lamar, Co 81052
Phone: 719-336-8988 Fax: 719-336-8989*

This section for Prowers County use only

PERMIT #: _____
FEES ARE NON-REFUNDABLE

___Application Fee \$100.00

DATE PAID - _____ Check# _____ TOTAL FEE \$ _____

APPROVED: YES _____ **NO** _____ **DATE:** _____

NFIP ORDINANCE 2013 - _____

Provided to applicant upon request

Date of application: _____

Actual physical address of property where work is to be performed:

_____ **CITY** _____

Name of applicant: _____

Applicant's mailing address: _____

Applicant's telephone number: (____) _____

Name of Land Owner: _____

Land Owners mailing address: _____

Land Owners telephone number: (____) _____

Class of work for which this application for a building permit applies: (check one)

() New () Addition () * Modular () Alteration () Repair () Removal/Move ()

Does this application cover : () residential, () commercial, () agricultural outbuilding?

If commercial or agricultural what is the intended use of the building this permit covers? _____

***If modular:** Name of sales dealer, dealer address, dealer phone number, name of contact person.

Are you, as the owner, doing all the work on this project? ___ Yes ___ No

If construction work or portions thereof are being done by someone other than the owners please indicate: _____ Name, Address, and Phone Number of Person/Persons doing the work.

Estimated start date of project: _____

Estimated completion date of project; _____

ARTICLE III - GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Prowers County, Colorado.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Prowers County," dated May 1, 1989, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby a part of this ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the Prowers County, Board of County Commissioners. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of the NFIP ORDINANCE 2013 - _____.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the Prowers County, Board of County Commissioners from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION H. SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ARTICLE IV – ADMINISTRATION

The Prowers County Land Use Administrator will maintain and hold open for public inspection all records pertaining to the provisions of this Ordinance and this Floodplain Development Permit.

Review, approve, or deny all applications as required by this Ordinance.

Assure that all necessary permits have been obtained from those Federal, State or local governmental agencies which prior approval is required.

Inspect all development to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.

Location of construction/work site reasonably safe from flooding _____ **YES** _____ **NO**

Actual Elevation (in relation to mean sea level) of the lowest floor (including basement) _____ **above sea level**

All necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
_____ **YES** _____ **NO**

Is this construction, improvement or other development (including fill) in a Base Floodway Zone A1-30 and AE on the community's FIRM _____ **YES** _____ **NO**

It is demonstrated 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 one-half foot** at any point within the community. _____ **YES** _____ **NO**

A development may be approved in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface **elevation of the base flood by more than one-half foot**, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), this fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

HAS THIS BEEN APPLIED FOR? _____ **YES** _____ **NO**

WAS IT APPROVED? _____ **YES** _____ **NO**

HAVE ADJACENT COMMUNITIES AND THE STATE COORDINATING AGENCY WHICH IS THE COLORADO WATER CONSERVATION BOARD BEEN NOTIFIED PRIOR TO ANY ALTERATION OR RELOCATION OF A WATERCOURSE?
_____ **YES** _____ **NO**

Description provided of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
_____ **YES** _____ **NO** **Please provide a written statement and a 1/4 scale drawing as well as a FIRM mapping of the watercourse alteration.**

Relevant Factors for approval of the Floodplain Development permit:

1. Is there danger to life and property due to flooding or erosion damage?
Yes _____ No _____
2. Is there susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner?
Yes _____ No _____

3. Is there danger that materials may be swept onto other lands to the injury of others? Yes _____ No _____
4. Is this developments proposed use compatible with existing and anticipated development? Yes _____ No _____
5. Is the access safe to the property in times of flood for ordinary and emergency vehicles? Yes _____ No _____
6. Will there be excessive cost associated with this development of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems? Yes _____ No _____
7. Will this development be affected by the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at site? Yes _____ No _____
8. Is there a necessity of the development to be within a waterfront location? Yes _____ No _____

VARIANCE REQUIRED FOR YES ANSWERS ON #1 THROUGH #8

9. Is there an alternative location for this development, not subject to flooding or erosion damage, for the proposed use? Yes _____ No _____
10. Is there a relationship of the developments proposed use to the comprehensive plan for the area? Yes _____ No _____

VARIANCE REQUIRED FOR NO ANSWERS ON #9 AND #10

PENALTY

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with this resolution shall constitute a misdemeanor and upon conviction is punishable by a fine not to exceed, Three Hundred Dollars (\$500.00) or imprisonment for a period of not more that ninety (90) days, or both. Each day that such a violation continues to exist shall be considered a separate offense. Nothing herein contained shall prevent the Prowers County Land Use Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE V – PROVISIONS FOR FLOOD HAZARD REDUCTION

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

1. Is the construction adequately anchored to prevent flotation, collapse or lateral movement of the structure?
Yes _____ **No** _____
2. Will the construction utilize methods and practices that minimize flood damage?
Yes _____ **No** _____
3. Are the materials used in the construction resistant to flood damage?
Yes _____ **No** _____
4. Are the electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/ or located so as to prevent water from entering or accumulating within the components during conditions of flooding?
Yes _____ **No** _____
5. Is this a manufactured Home? **Yes** _____ **No** _____ If yes, then the home shall be installed using methods and practices which minimize flood damage. Is the home anchored to resist flotation, collapse, or lateral movement?
Yes _____ **No** _____

6. Is the new or replacement water supply system designed to minimize or eliminate infiltration of flood waters into the system. **Yes** _____ **No** _____
7. Is the new or replacement sanitary sewage system designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters and; **Yes** _____ **No** _____
8. On-site waste disposal systems located to avoid impairment to them or contamination from them during flooding? **Yes** _____ **No** _____

SECTION B : SPECIFIC STANDARDS

In all Special Flood Hazard Areas where base flood elevation data has been provided as setforth in this Ordinance (i) Article 3, Section B, (ii) Article 4, Section B(7), or (iii) Article 5, Section G, the following provisions are required:

Does this apply to this application? Yes _____ No _____
“See Ordinance”

Under which heading?

- | | |
|-------------------------------------|-----------------------------------|
| 1-Residential Construction _____ | 4-Manufactured Homes _____ |
| 2-Nonresidential Construction _____ | 5-Recreational Vehicles _____ |
| 3-Enclosures _____ | 6-Prior Approved Activities _____ |

Have the additional provisions required been met according to the Ordinance?
Yes _____ **No** _____

SECTION C: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the Special Flood Hazard Area established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

Does this apply to this application? Yes _____ No _____
“See Ordinance”

Under which heading?

- Residential Construction _____
 Nonresidential Construction _____

Have the additional provisions required been met according to the Ordinance?
Yes _____ **No** _____

SECTION D: FLOODWAYS

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard. Located within Special Flood Hazard Area established in Article 3, Section B, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

Does this apply to this application? Yes _____ No _____
“See Ordinance”

Hydrologic and Hydraulic Analyses performed by a Licensed Colorado Professional and was issued a No-Rise Certification

Yes _____ **No** _____

In compliance with all applicable flood hazard reduction provisions of Article 5 of this Ordinance

Yes _____ **No** _____

Community applied for a CLOMR and floodway revision through FEMA

Yes _____ **No** _____

SECTION E: ALTERATION OF A WATERCOURSE

All proposed developments that alter a watercourse within a Special flood Hazard Area must meet the standards of this Ordinance. **“See Ordinance”**

Does the development meet the standards? **Yes** _____ **No** _____

SECTION F: PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

Does this apply to this application? Yes _____ No _____
“See Ordinance”

Under which heading?

Residential Construction _____

Nonresidential Construction _____

SECTION G: STANDARDS FOR SUBDIVISION PROPOSALS

Does this apply to this application? Yes _____ No _____
“See Ordinance”

Have the standards been met? Yes _____ No _____

SECTION H: STANDARDS FOR CRITICAL FACILITIES

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Does this apply to this application? Yes _____ No _____
“See Ordinance”

Commissioner Approval Required? Yes _____ No _____

Have the standards been met? Yes _____ No _____

Prowers County Permit Disclaimer

In connection with this application for a Floodplain Development Permit, Applicant acknowledges having read and understood the following:

1. Prowers County in granting the permit makes no representation as to the status of Applicant's title to the real property described in the application.
2. The County further makes no representation as to any matter which could be disclosed in a survey, and if Applicant has any questions regarding location of boundary lines, possible encroachments, either by the Applicant or by third party, the location of any easements or rights of way, or any other matter which would be properly shown by a survey, the Applicant may obtain a survey from a professional land surveyor.
3. The County makes no representation regarding Applicant's right to legally access the real property described in the application. If Applicant has questions regarding access, Applicant may engage the services of an attorney or professional land surveyor.
4. The County makes no representation as to the availability of any utility services to the property, including but limited to gas, electricity, water, trash disposal or sewer. If Applicant has questions regarding the availability of utilities, Applicant may request such information from the appropriate utility provider.

CERTIFICATION

I hereby certify that I have read and examined this application for a floodplain development permit and confirm the information as provided herein is true and correct to the best of my knowledge.

Applicant → _____
Date of application: _____, 20____

<p><i>For Prowers County Use Only</i></p>
<p>Permit to build, alter, move or remove the building within or from the floodplain is hereby granted.</p>
<p>_____ Land Use Administrator</p>
<p>Property inspected on: _____, 20____ by _____</p>
<p>Critical Facilities Board of County Commissioners Approval _____ (If Applicable)</p>
<p>Minutes of the Board Meeting Dated: _____</p>