RESOLUTION APPROVE FLOOD PLAIN DEVELOPMENT PERMIT & NON-CONVERSION AGREEMENT AND AUTHORIZE CHAIR TO SIGN SAME

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the County Board of Commissioners has the authority to adopt a Zoning Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-114; and,

WHEREAS, Charles and Julie Kopocis have applied for a Flood Plain Development Permit in order to construct an addition and elevate an existing single-family dwelling at 17322 Iris Circle, (Lot 133, Hanson's Lakes).

WHEREAS, the Planning Department has reviewed the application for a Flood Plain Development Permit for compliance with the Zoning Regulations on the property legally described in the attached Exhibit A; and,

WHEREAS, construction of the improvements complies with the Zoning Regulations, but at completion of construction, there will be an unfinished crawl space of seven (7) feet in height; and,

WHEREAS, the Zoning Regulations require the area below the lowest floor subject to flooding be a maximum of four (4) feet in height unless used for parking of vehicles with execution of a Non-Conversion Agreement with Sarpy County which restricts the use of the crawl space to the parking of vehicles, limited storage, or access to the structure; and

WHEREAS, so long as the applicant signs the attached Non-Conversion Agreement, said application is in compliance with Section 30, Flood Plain District of Zoning Regulations and further, the Natural Resources District has no objection to the development permit with a signed Non-Conversion Agreement; and,

WHEREAS, the Planning Department has made a recommendation of approval as noted in the attached Exhibit A, which Exhibit A includes the Planning Department report, the elevation certificate, the Natural Resources District comments, the site plan of the subject property and the proposed Non-Conversion Agreement.

WHEREAS, said Non-Conversion Agreement allows the applicant to construct the addition and the remodel, but restricts the use of the 7 foot crawl space to the parking of vehicles, limited storage, or access to the structure.
NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT the Flood Plain Development Permit Application for the property legally described in the attached Exhibit A is hereby approved with the following conditions:

1. Applicant sign the Non-Conversion Agreement and file same with the Sarpy County Register of Deeds. Proof of such filing must be delivered to the Sarpy County Clerk for filing with this Resolution before any building permit is approved or issued.

2. Upon completion of construction, an elevation certificate must be submitted to the Sarpy County Planning and Building Department to verify the structure was built according to plans.

3. The proposed new construction must meet the minimum setback and zoning requirements at the time of building permit application.

BE IT FURTHER RESOLVED THAT the Chair and the Clerk are hereby authorized to sign the Non-Conversion Agreement.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the day of August 2016.

Attest

Sarpy County Board Chairman

County Clerk
FLOODPLAIN STRUCTURE NON-CONVERSION AGREEMENT

This Agreement made by and between Charles and Julie Kopocis, (“Owner”) and Sarpy County. Owner and Sarpy County are referred to collectively hereinafter as “the Parties” and individually as a “Party”.

This Agreement is made in consideration of issuance of a Floodplain Development Permit for construction of improvements, namely the construction of an addition and elevation of an existing single-family dwelling as shown on the attached site plan and construction plans on the following described real property:
Lot 133, Hanson’s Lakes, Sarpy County, Nebraska.

WITNESSETH:

WHEREAS, Owner is the record owner of all that real property located at Lot 133, Hanson’s Lakes (17322 Iris Circle, NE) in the County of Sarpy, (“Property”).

WHEREAS, Sarpy County has duly enacted Sarpy County Zoning Regulations (“Regulations”) which includes regulations for land located within the floodplains of Sarpy County, set out at Section 30, Floodplain District within said Regulations as amended.

WHEREAS, Property is located within the AE Floodplain Zone adjacent to Hanson’s Lakes and the Platte River.

WHEREAS, Owner and Sarpy County wish to come to a mutual agreement regarding the Property.

WHEREAS, Owner has applied for a Floodplain Development Permit to construct an addition and elevate an existing single-family dwelling on the Property which either (1) does not conform, or (2) may be noncompliant by later conversion, with the strict elevation requirements of Section 30, Flood Plain District of the Sarpy County Zoning Regulations (“Regulations”).

NOW, THEREFORE, for and in consideration of the foregoing recital and the mutual covenants of the Parties hereinafter expressed, the PARTIES hereby acknowledge, covenant, and agree as follows:

1. The Base Flood Elevation determined at the Property is 976.7 feet (NAVD 1988).
2. The building plans indicate that at completion of construction, the Property will have an unfinished crawl space of 7 feet.
3. At completion of construction, the lowest finished floor of the addition and the existing structure will be elevated to an elevation of 977.7 which will meet the minimum requirement of one foot above the BFE.
4. Enclosed areas below the minimum elevation requirement of one foot above the Base Flood Elevation, shall be used solely for parking of vehicles, limited storage, or access to the structure on the Property.
5. All interior walls, ceilings and floors below the minimum elevation requirement of one foot above the Base Flood Elevation shall be unfinished or constructed of flood resistant materials.
6. Mechanical, electrical or plumbing devices shall not be installed below the minimum elevation requirement of one foot above the Base Flood Elevation.
7. The walls of the enclosed areas below the minimum elevation requirement of one foot above the Base Flood Elevation shall be equipped and remain equipped with engineered flood vents.
8. This request, as proposed, is in conformance with the Sarpy County Zoning Regulations.
9. Any alterations or changes from these conditions constitute a violation of this Agreement and may render the Property uninsurable or increase the cost for flood insurance.

10. If Owner violates any provision of this Agreement, the Floodplain Development Permit approved by Resolution No. 2016-279 shall be VOID, the structure on the Property shall be a non-conforming structure under the Sarpy County Zoning Regulations, and Sarpy County may take any and all legal action to correct any violation under the Regulations or law as appropriate.

11. Owner agrees to record this Agreement with the Sarpy County Register of Deeds and certifies, accepts, and declares that the covenants, conditions, and restrictions discussed herein are placed on the affected Property as a condition of Sarpy County granting the Floodplain Permit.

12. The rights and obligations of the Parties shall be binding on the each Party’s heirs, personal representatives, successors, and assigns.

13. Owner agrees to notify prospective buyers and or lessees of the existence of this Agreement. It shall be the responsibility of Owner to transfer this Agreement at closing to any new owner.

14. In consideration of the foregoing, Sarpy County shall issue a Floodplain Development Permit for the Property.

IN WITNESS WHEREOF, we the contracting parties, by our respective and duly authorized agents, hereto affix our signatures and seals this 8 day of August, 2016.

OWNER:

Charles Kopocis, Owner

Julie Kopocis, Owner

State of Nebraska )
) ss.
Sarpy County )

The foregoing instrument was acknowledged before me, a Notary Public, this 8 day of August, 2016, by Charles and Julie Kopocis, Owner who acknowledged the execution thereof to be their voluntary act and deed.

Notary Public

SARPY COUNTY:

Don Kelly
Sarpy County Board Chairman

Approved as to form:

Sarpy County Attorney
EXHIBIT A
Planning Department Report
Floodplain Development Permit Application (FPD 16-011)
County Board Date: August 9, 2016

Application Overview
Charles and Julie Kopocis have requested approval of a floodplain development permit to construct an addition and elevate an existing single-family dwelling at 17322 Iris Circle, (Lot 133, Hanson’s Lakes).

Comprehensive Development Plan
- The Sarpy County Development Structure Plan (Future Land Use Map) designates this area as Urban Residential.

Zoning / Floodplain Regulations
- The area is zoned RD50-FP (General Residential District - Floodplain)
- The property is located in an AE Flood Zone adjacent to Hanson’s Lake and the Platte River. (see attached map).
- The Base Flood Elevation (BFE) determined at this location is 976.7 (NAVD 1988).
- The building plans indicate that the structure will have an unfinished crawl space of 7 feet in which the owner will sign a non-conversion agreement.
- The lowest finished floor of the addition and the existing structure will be elevated to an elevation of 977.7 which will meet the minimum requirement of one foot above the BFE and the non-conversion agreement.
- This request, as proposed, is in conformance with the Sarpy County Zoning Regulations.

Natural Resources District
- The Papio Missouri River Natural Resources District (NRD) has no objections to the proposed application. The NRD recommendation letter is attached.

Recommendation
For the reasons stated above, staff recommends the Floodplain Development Permit be approved to construct an addition and elevate an existing single-family dwelling with a signed Non-Conversion Agreement for the 7 foot crawl space area at 17322 Iris Circle, (Lot 133, Hanson’s Lakes).

<table>
<thead>
<tr>
<th>Subject</th>
<th>Type</th>
<th>Prepared By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floodplain Development Permit to construct an addition and elevate an existing single-family dwelling at 17322 Iris Circle, (Lot 133, Hanson’s Lakes)</td>
<td>Resolution</td>
<td>Donna Lynam, CFM Assistant Director Planning &amp; Building Dept.</td>
</tr>
</tbody>
</table>
FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

In order for your application to be considered COMPLETE, please answer all applicable questions and provide the following:

1. Completed Floodplain Development Permit Application
2. Non-refundable fee of $300 made payable to Sarpy County
3. Two (2) full size site/construction plan drawings
4. Two (2) reduced size site/construction plan drawings (8.5 x 11)
5. One (1) electronic copy of the site/construction plan drawings in PDF form
6. A completed FEMA National Flood Insurance Program (NFIP) Elevation Certificate certified, signed and sealed by land surveyor, engineer, or architect authorized by law to certify elevation information.

APPLICATION FILING FEES — see Sarpy County Master Fee Schedule for the Planning and Building Department

PLANNING STAFF USE ONLY:
APPLICATION #: EPO 14-011
DATE RECEIVED: 7-1-16
APPLICATION FEE: $300 RECEIPT NO. 2314
RECEIVED BY: 
NOTES: FIRM 31538057

RECOMMENDATIONS:
PLANNING & BUILDING DEPT: [ ] APPROVAL [ ] DENIAL
SARPY COUNTY BOARD: [ ] APPROVAL [ ] DENIAL
RESOLUTION #: DATE:

PROPERTY OWNER INFORMATION: (If multiple owners, please attach separate sheet)

NAME: Charles & Julie Kopocis E-MAIL: ckopocis@cox.net
ADDRESS: 17322 Iris Circle CITY/STATE/ZIP: Bellevue, Nebraska 68123
MAILING ADDRESS: 10229 Polk Street CITY/STATE/ZIP: Omaha, Nebraska 68127
PHONE: 402-339-6166 FAX:

ENGINEERING/SURVEYING OR OTHER CONSULTING PROFESSIONAL'S INFORMATION:

NAME: Ronald D. Hill E-MAIL: dhill@hillfarrell.com
ADDRESS: 2815 Crystal Drive CITY/STATE/ZIP: Bellevue, Nebraska 68123
MAILING ADDRESS: (IF DIFFERENT)
PHONE: 402-291-6100 FAX:

CONSTRUCTION INFORMATION: (This individual/company is responsible for meeting building code regulations.)

NAME: Tim Zimmerer E-MAIL: timz.zbestcarpentry@gmail.com
ADDRESS: 15757 South 57th Street CITY/STATE/ZIP: Papillion, Nebraska 68133
MAILING ADDRESS: (IF DIFFERENT)
PHONE: 402-598-1007 FAX:
PROJECT DESCRIPTION: Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets if necessary.

PLEASE NOTE: A detailed project description is essential to the reviewing process of this request.

See attached.

PROJECT SITE INFORMATION: Complete each section in its entirety. If a question is not applicable to your project, please indicate this to show that each question has been carefully considered.

PROPERTY ADDRESS: 17322 Iris Circle, Bellevue, Nebraska 68123

ASSessor’s PARCEL NUMBER: 010752374 ADDITIONAL PARCEL NUMBERS None

GENERAL LOCATION: Annabelle Drive & Iris Circle - Hanson’s Lakes
(example 189th & Giles Rd – include subdivision name)

LEGAL DESCRIPTION: (Describe property to wit:) Lot 133 Hanson’s Lakes

SIZE OF PROPERTY: acres/sq. ft. CURRENT ZONING: RD-50/FP

NAME OF ADJACENT WATERWAY: Platte River

PROPERTY LIES WITHIN: FLOODWAY: ☐ FLOOD FRINGE: ☐ FLOOD ZONE DESIGNATION: Zone AE

LOWEST FLOOR ELEVATION IS TO BE FEET ABOVE MEAN SEA LEVEL. (Including Basement)

SOURCE OF UTILITY SERVICES: Water - Well Sewer - Existing MUD
Gas - None Electric - Existing OPPD

ADDITIONAL INFORMATION: Please use this space to provide any other information you feel is appropriate for Sarpy County to consider during review of your application. Attach extra sheets if necessary.

PLEASE NOTE THE FOLLOWING PROCEDURES:

1. The Planning Department will review the application material along with other appropriate departments and/or agencies and provide a recommendation report to the County Board.

2. County Board will hold a public hearing and make a final decision on the Floodplain Development Permit.

3. Prior to the final building inspection a Finished Construction Elevation Certificate or other verification will be required to be submitted to the Planning & Building Department to assure compliance with the Floodplain Development Permit.

The applicant (or authorized agent) has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Property Owner/Applicant Signature ___________________________ Date 6-30-2016

I, the undersigned, understand the Floodplain Development Permit process as stated above and I authorize Sarpy County staff to enter the property for inspection related to the specific request during this process.

Property Owner Signature ___________________________ Date 6-30-2016

Date 6-30-16
Kopocis Addition

17322 Iris Circle
Bellevue, Nebraska 68123
Lot 133 Hanson Lake
Parcel #010752374

Project Description
The project consists of a two story addition to an existing structure with unfinished crawl space. The existing structure has been professional surveyor certified to be 977.2’. As part of the project the existing structure will be raised 6” to 977.7’ which is 1.0’ above the base flood elevation (BFE). The lowest floor of the addition will be constructed to match this elevation of 977.7’ making the entire structure 1.0’ above BFE. No spaces below this elevation shall be finished.

The crawl space beneath the new addition shall be provided with two flood openings having a total net area of not less than one square inch for square foot of enclosed area subject to flooding.

A minimum of 25’ front and 5’ side setbacks will be maintained.
**ELEVATION CERTIFICATE**

*Important: Follow the instructions on pages 1–9.*

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

### SECTION A – PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>A1. Building Owner's Name</th>
<th>CHARLES D and JULIE A KOPOCIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2. Building Street Address</td>
<td>17322 IRIS CIRCLE</td>
</tr>
<tr>
<td>(including Apt., Unit, Suite,</td>
<td></td>
</tr>
<tr>
<td>and/or Bldg. No.) or P.O. Route</td>
<td></td>
</tr>
<tr>
<td>and Box No.</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>BELLEVUE</td>
</tr>
<tr>
<td>State</td>
<td>NEBRASKA</td>
</tr>
<tr>
<td>ZIP Code</td>
<td>68123</td>
</tr>
</tbody>
</table>

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)

LOT 113 HANSON'S LAKE, SARPY COUNTY, NEBRASKA

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)

RESIDENTIAL

A5. Latitude/Longitude: Lat. 41.063921 Long. -95.947381

Horizontal Datum: ☑ NAD 1927 ☑ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 3

A8. For a building with a crawlspace or enclosure(s):

a) Square footage of crawlspace or enclosure(s) 471 sq ft

b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 3

c) Total net area of flood openings in A8.b 489 sq in

d) Engineered flood openings? ☑ Yes ☐ No

A9. For a building with an attached garage:

a) Square footage of attached garage 659 sq ft

b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade N/A

c) Total net area of flood openings in A9.b N/A sq in

d) Engineered flood openings? ☐ Yes ☑ No

### SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

<table>
<thead>
<tr>
<th>B1. NFIP Community Name &amp; Community Number</th>
<th>SARPY COUNTY UNINCORPORATED; 310190</th>
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</thead>
<tbody>
<tr>
<td>B2. County Name</td>
<td>SARPY</td>
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<tr>
<td>B3. State</td>
<td>NEBRASKA</td>
</tr>
<tr>
<td>B4. Map/Panel Number</td>
<td>3155C0205</td>
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<tr>
<td>B5. Suffix</td>
<td>G</td>
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<tr>
<td>B6. FIRM Index Date</td>
<td>12/02/2005</td>
</tr>
<tr>
<td>B7. FIRM Panel Effective/Revised Date</td>
<td>12/02/2005</td>
</tr>
<tr>
<td>B8. Flood Zone(s)</td>
<td>AE</td>
</tr>
<tr>
<td>B9. Base Flood Elevation(s)</td>
<td>976.7</td>
</tr>
</tbody>
</table>

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9:

☐ FIS Profile ☑ FIRM ☑ Community Determined ☐ Other/Source: ______________________

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☑ NAVD 1988 ☐ Other/Source: ______________________

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☑ No

Designation Date: ______________________ ☐ CBRS ☑ OPA
ELEVATION CERTIFICATE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

17322 1815 CIRCLE

City

BELLEVUE

State

Nebraska

ZIP Code

68123

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☒ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.


Benchmark Utilized: PAPIO NRD

Vertical Datum: NAVD 1988

Datum used for building elevations must be the same as that used for the BFE.

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source:

Datum used for building elevations must be the same as that used for the BFE.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor) _____________ feet ___________ meters

b) Top of the next higher floor _____________ feet ___________ meters

c) Bottom of the lowest horizontal structural member (V Zones only) _____________ feet ___________ meters

d) Attached garage (top of slab) _____________ feet ___________ meters

e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) _____________ feet ___________ meters

f) Lowest adjacent (finished) grade next to building (LAG) _____________ feet ___________ meters

g) Highest adjacent (finished) grade next to building (HAG) _____________ feet ___________ meters

h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support _____________ feet ___________ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier’s Name

RONALD D. HILL

License Number

373

Title

PRESIDENT

Company Name

HILL-FARRELL ASSOCIATES, INC.

Address

2815 CRYSTAL DRIVE

City

BELLEVUE

State

Nebraska

ZIP Code

68123

Signature

Date

7/29/2016

Telephone

402 291-6100

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

FEMA Form 086-0-33 (7/15) Replaces all previous editions.
SECOND FLOOR ELECTRICAL PLAN

SCALE: 1"=1'-0"
Application for Floodplain Development Permit
8/5/2016

Owner/Applicant Name: Charles and Julie Kopocis
Address: 17322 Iris Circle, Bellevue NE
Project Type: New Construction
Parcel #: 010752374
Jurisdiction: Sarpy County

<table>
<thead>
<tr>
<th>Addresses:</th>
<th>Street # Number</th>
<th>Direction</th>
<th>Street Name</th>
<th>Type</th>
<th>Suffix</th>
<th>Apartment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>17322 Iris</td>
<td></td>
<td>Iris</td>
<td>Circle</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Flood Plain Name: Platte River
Flood Zone: Zone AE
Base Flood Elevation: NAVD 1988

The District has the following comments based on review of the submitted documentation:

This project is for an addition to and remodel of an existing residential structure.

The crawl space for this project appears to be greater than 4 feet in height. The District recommends a non-conversion agreement be required for this project.

The District has no objections to this application.

If you have any questions or concerns, please contact me at (402) 315-1773 or at llaster@papionrd.org

Sincerely,
Lori Laster, CFM
Stormwater Management Engineer
Site & Vicinity Map
Aerial of Site
17322 Iris Circle – Lot 133, Hanson’s Lakes
Flood Plain Development Permit