

# TAZEWELL COUNTY VIRGINIA

"Bound For Progress"

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C. Eric Young  
County Administrator

April 7, 2022

Wendy Howard-Cooper  
Director for Dam Safety and Floodplain Management  
Department of Recreation and Conservation  
600 East Main Street, 24<sup>th</sup> Floor  
Richmond VA 23219

***Re: Authorization of Tazewell County CFPF Application***

Dear Ms. Howard-Cooper and Members of the Review Team:

Tazewell County is proud to submit the enclosed application to the third grant round of the Community Flood Preparedness Fund. We firmly believe that the capacity-building and planning that will result from this project, should you choose to support it, will help the people of Tazewell County to work toward a more resilient community.

Tazewell County and our neighbors in Southwest Virginia have experienced devastating recurrent flooding that has increased in recent years. We are pleased to see that DCR has been willing to direct some of this new fund to mountainous and disadvantaged communities and we hope to join our neighbors in working with your program.

Please accept this letter as my authorization of the request for CFPF funding.

Also, please reach out to me, Emergency Management Coordinator David White, or any of our proposed team of consultants with questions. We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Young".

C. Eric Young, Esq.  
Tazewell County Administrator

## **Appendix A: Application Form for Grant Requests for All Categories**

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Virginia Department of Conservation and Recreation  
Virginia Community Flood Preparedness Fund Grant Program

**Name of Local Government:**

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**Category of Grant Being Applied for (check one):**

Capacity Building/Planning

Project

Study

NFIP/DCR Community Identification Number (CID) 510160

If a state or federally recognized Indian tribe, Name of tribe \_\_\_\_\_

Name of Authorized Official: C. Eric Young, County Administrator

Signature of Authorized Official: \_\_\_\_\_

Mailing Address (1): 197 Main Street

Mailing Address (2): \_\_\_\_\_

City: Tazewell State: VA Zip: 24651

Telephone Number: (276) 385-1208 Cell Phone Number: (\_\_\_\_\_) \_\_\_\_\_

Email Address: eyoung@tazewellcounty.org

**Contact Person (If different from authorized official):** same \_\_\_\_\_

**Mailing Address (1):** \_\_\_\_\_

**Mailing Address (2):** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Telephone Number:** (\_\_\_\_) \_\_\_\_\_ **Cell Phone Number:** (\_\_\_\_) \_\_\_\_\_

**Email Address:** \_\_\_\_\_

Is the proposal in this application intended to benefit a low-income geographic area as defined in the Part 1 Definitions? Yes X No \_\_\_\_\_

**Categories (select applicable project):**

**Project Grants (Check All that Apply)**

- Acquisition of property (or interests therein) and/or structures for purposes of allowing floodwater inundation, strategic retreat of existing land uses from areas vulnerable to flooding; the conservation or enhancement of natural flood resilience resources; or acquisition of structures, provided the acquired property will be protected in perpetuity from further development.
- Wetland restoration.
- Floodplain restoration.
- Construction of swales and settling ponds.
- Living shorelines and vegetated buffers.
- Structural floodwalls, levees, berms, flood gates, structural conveyances.
- Storm water system upgrades.
- Medium and large scale Low Impact Development (LID) in urban areas.
- Permanent conservation of undeveloped lands identified as having flood resilience value by *ConserveVirginia* Floodplain and Flooding Resilience layer or a similar data driven analytic tool.
- Dam restoration or removal.
- Stream bank restoration or stabilization.
- Restoration of floodplains to natural and beneficial function.
- Developing flood warning and response systems, which may include gauge installation, to notify residents of potential emergency flooding events.

**Study Grants (Check All that Apply)**

- Studies to aid in updating floodplain ordinances to maintain compliance with the NFIP or to incorporate higher standards that may reduce the risk of flood damage. This must include establishing processes for implementing the ordinance, including but not limited to, permitting, record retention, violations, and variances. This may include revising a floodplain ordinance when the community is getting new Flood Insurance Rate Maps (FIRMs), updating a floodplain ordinance to include floodplain setbacks or freeboard, or correcting issues identified in a Corrective Action Plan.
- Revising other land use ordinances to incorporate flood protection and mitigation goals, standards and practices.
- Conducting hydrologic and hydraulic studies of floodplains. Applicants who create new maps must apply for a Letter of Map Revision or a Physical Map Revision through the Federal Emergency Management Agency (FEMA). For example, a local government might conduct a hydrologic and hydraulic study for an area that had not been studied because the watershed is less than one square mile. Modeling the floodplain in an area that has numerous letters of map change that suggest the current map might not be fully accurate or doing a detailed flood study for an A Zone is another example.
- Studies and Data Collection of Statewide and Regional Significance.
- Revisions to existing resilience plans and modifications to existing comprehensive and hazard.
- Other relevant flood prevention and protection project or study.

**Capacity Building and Planning Grants**

- Floodplain Staff Capacity.
- Resilience Plan Development
  - Revisions to existing resilience plans and modifications to existing comprehensive and hazard mitigation plans.
  - Resource assessments, planning, strategies and development.
    - Policy management and/or development.
    - Stakeholder engagement and strategies.

**Location of Project (Include Maps):** Tazewell County, VA (see maps in attachments)

**NFIP Community Identification Number (CID#):(See appendix F)** 510160

**Is Project Located in an NFIP Participating Community?**  Yes  No

**Is Project Located in a Special Flood Hazard Area?**  Yes  No

**Flood Zone(s) (If Applicable):** \_\_\_\_\_

**Flood Insurance Rate Map Number(s) (If Applicable):** \_\_\_\_\_

**Total Cost of Project:** \$369,500

**Total Amount Requested** \$332,550

## Scope of Work Narrative

Tazewell County has long experienced challenging riverine flooding that impacts its homes, churches, community infrastructure, and businesses, as well as the coal mines that have served as the economic backbone of the region. However, as a low-income community, Tazewell County has rarely had the resources to properly address impacts of flooding and plan new approaches for the future. The Community Flood Preparedness Fund offers Tazewell County an opportunity to build toward a more resilient future, and thus the County is applying to the third CFPF round in the Capacity Building and Planning Category.

### Proposal

The proposed project includes a professional engineering analysis and planning effort engaging stakeholders throughout Tazewell County, along with training for a key member of the County staff to become a Certified Floodplain Manager. By working with consultants that can help build this effort toward greater community-based natural resource management, Tazewell will lay strong groundwork for future resilience projects.

### Today's Flooding Hotspots

In today's weather patterns, Tazewell's transportation network and its adjacent homes, community infrastructure, and businesses have proven to be key vulnerabilities. These are anticipated to be among the priorities revealed by the engineering analysis and plan development. The maps and FIRMettes in the supporting documentation (Attachment 1, overview maps, Attachment 2, aerial maps, and Attachments 3.1-3.8, FIRMettes) illustrate these known hotspots, but do not predetermine the projects to be identified by the plan. Brief overviews of each hotspot are:

1. Clinch River at Bottom Rd. and Kirby Rd. in Raven: This area floods to and over the road, impacting houses and churches in the vicinity.
2. Clinch River at Plant Rd.: When this area floods, access to the sewage treatment plant is cut off.
3. Clinch River at Fourth St. in Richlands: Floods in this area at times reach residential buildings on the banks of the creek.
4. Big Creek at Kentucky Avenue: Another known flooding point at a key transportation nexus.
5. Indian Creek at Banes Bottom near Indian Creek Rd.: Floods affect houses and trailers near the banks. Also, along Indian Creek Rd. leaving Cedar Bluff going toward Baptist Valley, a bridge is sometimes flooded and made impassable.
6. Bluestone River at Big Branch Rd., Falls Mills area: The curve before Big Branch Rd. is impacted by floodwaters that cover the west side of the road heading toward Pocahontas. This is especially dangerous at night as this is an area not served by streetlights.

For additional recent history of flash flooding due to rain events, see news coverage of floods in 2020 and 2021, such as these articles (also provided as Attachment 4):

- [https://www.bdtonline.com/news/state-of-emergency-declared-in-tazewell-county-due-to-flooding/article\\_732adc66-48fe-11ea-ab01-67b21dc9e50c.html](https://www.bdtonline.com/news/state-of-emergency-declared-in-tazewell-county-due-to-flooding/article_732adc66-48fe-11ea-ab01-67b21dc9e50c.html)
- <https://woay.com/town-of-richlands-sees-blocked-roads-as-river-banks-flood-monday-morning/>

Local elected officials and concerned citizens have begun seeking more proactive solutions. Neighboring Buchanan County's success in securing a CFPF grant to boost its resilience planning provides a model for Tazewell to apply. This effort has the active support of Delegate Will Morefield, Third District, as demonstrated in his letter of support (Attachment 5).

### Existing Policies

Tazewell County has a floodplain ordinance, Attachment 6 in the supporting documentation. In developing this ordinance, the County's stated goals were "to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base[.]" Those goals continue to underlie the County's flood resilience efforts today, including with this grant application.

The floodplain ordinance complements the Tazewell County Comprehensive Plan and the hazard mitigation plan for the entire Cumberland Plateau Planning District Commission, linked here:

- <http://tazewellcountva.org/wp-content/uploads/2015/11/Compplanfinal.pdf>
- <http://cppdc.org/Reports/Mitigation%20Plan%20Edit.pdf>

### Case for Support

Tazewell County meets the definition of a low-income community that the CFPF was especially designed to support. The median household income in the County is only 55% that of the Virginia median -- \$42,207 per year, versus \$76,398 per year, in 2020 dollars according to the US Census Bureau (Attachment 7). With this household income level, Tazewell County meets the CFPF definition of a low-income community.

Two of Tazewell County's census tracts, 202 or Bluefield and 206 or Claypool Hill, are federally designated Opportunity Zones (Attachment 8). One of the County's preliminary identified flooding hotspots, the Falls Mills area, overlaps the Census Tract 202/Bluefield Opportunity Zone. More priority resilience projects may be identified within the Opportunity Zones during the analysis and planning process. Thus the plan is expected to benefit not only the exceptionally vulnerable areas of the County, but also provide community-scale benefits as the capacity and resources of the entire County are lifted.

Tazewell County's case for support is also demonstrated in the VIMS Social Vulnerability Index. Two of the County's 11 census tracts fall into the High category of the index, while the remaining 9 of 11 census tracts fall into the Moderate category. Some of the County's preliminary identified flooding hotspots in the Doran and Richlands areas overlap zones of High social vulnerability. The Index categories are illustrated in the map in the supporting documentation (Attachment 9). Characteristics cited in the Index's assessment of housing the county typically include fragile stock, high percentage of mobile homes, low values and rents, and long term renters. These residents will benefit from the state's assistance with plans to reduce their flooding vulnerability and improve their communities' resilience.

This Scope of Work Narrative will now present further details of the proposed activities to be undertaken by Tazewell County and its project partners.

## Proposed Activities

Tazewell County, working with contractors First Earth|2030 and Stantec, will undertake a process to build capacity and develop an actionable resilience plan. This process is expected to take approximately 12 months following a CFPF grant award and contractual notice to proceed.

### Task 1: Initiate the Project

#### Task 1A: Orientation Meeting

The project partners will facilitate a project orientation meeting to review scope, schedule, and resources with a small core team, led by Shanna Plaster, Administrator for Northwestern District; Eric Young, County Administrator; Dave White, Emergency Management Coordinator; Barry Brooks, Director of Fire and Rescue and Deputy Emergency Management Coordinator; Ken Dunford, Director of Engineering; and AJ Robinson, Director of Tourism and Public Relations. The goals of the project will also be reviewed. At a minimum, goals for the plan are to:

- Understand flood risk and identification of projects for flood preparedness, control, and resilience
- Incorporate green, grey, and blue projects with an emphasis on nature-based solutions
- Integrate the whole community, regardless of socioeconomics or race
- Coordinate with existing and planned relevant projects, plans, activities
- Leverage best available science and incorporation of current and future flood data
- Develop a plan that provides a pathway to uninterrupted primary public roadway access, increased public safety, and less flooding

Key outcomes of this meeting will be to determine the Flood Resilience Planning Team members and to determine the kickoff meeting date for developing the Resilience Plan.

The project lead, Eric Young, with the assistance of the consultants, will also provide monthly reporting to DCR on progress and financial status.

#### Task 1B: Form the Planning Team

A Tazewell County Flood Resilience Planning Team will be formed to participate throughout the process. The Planning Team is intended to include a broad range of stakeholders vested in flood control, preparedness and resilience, including County staff, staff from the Towns of Bluefield, Cedar Bluff, Pocahontas, Richlands, and Tazewell, and other communities within the County, community leaders, emergency response and floodplain management officials, regional planners from the Cumberland Plateau Planning District Commission and state (e.g., Virginia Department of Conservation and Recreation (DCR) and Virginia Department of Emergency Management), technical experts, representatives of residents and real property owners, and the business community. Planning Team members will meet regularly (approximately monthly) and will be responsible for providing input throughout the planning process such as understanding of existing and planned projects, plans, and data, review of draft materials, and project weighting criteria (See Task 3 for more on stakeholder and community engagement).

## **Task 2: Data Collection and Review**

In Task 2, the County will collect data and information and conduct a review of plans, data, and projects, capacities, and capabilities at the County and incorporated Town (as applicable) levels. Outcomes of this task include a draft existing conditions assessment and a capability and capacity needs assessment.

### **Task 2A: Data Collection and Review**

#### *Plans, Projects, Policies, Activities*

A review of the County's existing plans, projects, and activities, as well as any of the same available from the five incorporated Towns, will be conducted to integrate information from these plans and inform community flood vulnerability, capabilities, and deficiencies. Plans to be reviewed and incorporated include but are not limited to the Cumberland Plateau Planning District Commission Hazard Mitigation Plan, local floodplain ordinance, Capital Improvement Plan, comprehensive plan, stormwater plan, and other documents with potential flood relevance. Further, County participation in programs that reduce flood impacts, such as the National Flood Insurance Program Community Rating System, will be reviewed.

#### *Financial, Human, Technical Assistance, Training Resources*

The team will conduct a review of available resources in this category to develop and manage flood mitigation projects. The County will likely need ongoing dedicated funding to support ongoing work. In addition, this proposed capacity-building project will enable Tazewell County to have a Certified Floodplain Manager on staff by providing funds for Tazewell County's Director of Engineering, who has volunteered for the role, to train for and take the CFM exam concurrently within this planning process. The scheduling of the next feasible training course and exam are to be determined. At the time of this application, the Towns of Bluefield and Tazewell have CFMs on staff, but there are none to serve the other three Towns or the County as a whole.

#### *Built and Living Infrastructure and System Data*

Next, GIS information will be gathered for green and gray infrastructure, systems, and assets. This includes data such as residential and non-residential structures, green space and wetlands (including identified ecosystems/wetlands/floodplains suitable for permanent protection), community dam safety inventory and risk assessment posed by the location and condition of dams, and transportation data. An understanding of criticality (those assets that provide essential services and functions) will be collected. Data will be collected in collaboration with the community stakeholder leaders, county and municipal staff, and project leadership. Once critical facilities and assets are determined, asset data (e.g., condition, location, age, material) will be collected from respective departments or utilities.

#### *Current and Future Flood Hazard Data*

Flood and climate data will be collected and reviewed to support the proposed vulnerability, risk, and resilience assessments and project identification. Flood data will be collected from local (including County engineering and/or planning staff), regional, state, and Federal agency sources, including any FEMA Flood Hazard Products, streamflow and gage data, flood studies, flood models, drainage analyses and H&H studies, as available. Data may also be available from the Virginia Department of Energy.

Best available climate data for the areas will be used to understand future flood-risk hazards. The data collected will be influenced by planning period, availability, and security sensitivity. Default data will be any community GIS data supplemented by federal data typically available to support community hazard

planning, local and state climatological records of extreme events, historical records of severe weather, newspapers articles, online reports, severe event databases, and academic studies.

Existing data will be reviewed for completeness (i.e., coverage of impacted and potential project areas) and the ability to support resilience planning.

Planning Team members and stakeholders will be consulted throughout the Data Collection and Review task to understand available information and project status.

#### Task 2B Summarizing Data Review

##### *Existing Conditions Summary*

The data review and collection task will be summarized into an Existing Conditions assessment. The assessment will include:

- Existing community characteristics, including demographic, social, and economic factors
- Natural and social community stressors that contribute to vulnerability
- Geographic conditions and natural resources, such as those that provide natural flood-risk reduction services like wetlands, natural areas, and preservation areas
- Understanding of current flood “hot spots” throughout the county, including hot spots known through experience such as the Richlands/Doran/Raven area and areas around primary and secondary roads, as noted in the introduction to this scope of work.
- Documentation of any flood data limitations (best available data will be leverage but no new data will be developed as part of the plan)
- Existing capabilities and deficiencies in flood resilience

##### *Capability and Capacity Needs Assessment*

Building on the information above, the County, First Earth|2030, and Stantec will also prepare a Capability and Capacity Needs Assessment. This assessment will document any deficiencies or limitations in flood resilience (e.g., staff, training, data, policy, funding, technical assistance, etc.), and recommend strategies to increase overall capacity and capability. This includes reviewing flood-related policies and providing recommendations for revisions or new policy to enhance the County’s capability in floodplain management. Of note, the assessment will also include a policy review, including identified incentives for restoring riparian and wetland vegetation. A lead will be identified to track capacity building and each strategy will be assigned to a responsible party and a timeline for completion will be included.

A long-term strategy to maintain capacity and capabilities will be determined, such as regular staff training and cross-training as well as potential budget strategies to support staff in that work and to maintain the newly achieved CFM certification noted above.

#### Task 3: Engage the Stakeholders

Stakeholders include the Planning Team, members of the public and those with an interest or need for flood protection and prevention. Stakeholders will be engaged concurrently throughout the resilience planning process via workshops, meetings, online presence, and targeted interviews, for example. This includes stakeholder education on how flood mitigation can be leveraged to achieve their vision for their

community results through publicly supported, implementable flood mitigation projects. The project partners intend to provide a dedicated webpage for the project to keep the public and stakeholders apprised on draft plan and meeting information.

Of note, standard outreach methods such as public meetings, informational interviews, and surveys will need to be tailored to COVID-19 precautions, local internet capacity, and county residents' preferred methods of input to achieve whole community participation. These methods will be defined at the onset of the planning process and with input from the planning team.

#### **Planning Team Kick-off Meeting**

Once the Planning Team has been formed (Task 1B), the County project leads will facilitate a kick-off meeting to develop a project framework that establishes a successful process for community engagement and capacity building, as well as data collection and technical analysis regarding assets, climate data, and vulnerability assessments. The purpose of the meeting is to provide a detailed introduction to the project, introduce participants, identify targeted (and measurable) outcomes, define Planning Team member roles, and review project milestones and schedule. A key outcome of the meeting will be to review and refine the project's goals and objectives for whole community protection and prevention.

#### **Public Kick-off Meeting**

The County will facilitate a kick-off meeting to introduce the project, key milestones, and public participation input mechanisms.

#### **Public Risk Assessment Results and Priority Area Identification Workshop**

A joint workshop of the Planning Team and stakeholders will be held once a draft of the existing conditions and risk assessment (Task 4 below) is completed. Outcomes of the meeting include identifying high priority locations in which to focus project development.

#### **Public Project Alternatives Review (Priority Area-Specific) Workshops**

These joint workshops for the Planning Team and stakeholders will be held once project alternatives have been identified for each priority area. Workshops will then be held for priority areas (grouping areas where it's feasible) to review and refine projects. Outcomes of the workshop include gaining project buy-in from the stakeholders while informing project prioritization. Up to three workshops will be held.

#### **Public Project Prioritization (Priority Area-Specific)**

These joint workshops for the Planning Team and stakeholders will be held once project alternatives have been prioritized for each priority area. Workshops will then be held for priority areas (grouping areas where it's feasible). Outcomes of the workshop include gaining final stakeholder/public buy-in on projects. Up to three workshops will be held.

#### **Draft Plan Review**

This review is anticipated to be virtual, with posting and comment collection through the project website and social media.

## Task 4: Assess Problems and Risk

Assessing risk and vulnerability is essential for identifying and prioritizing locations and projects for risk reduction. Collected and/or developed data will be used to assess risk and vulnerability, including from the concurrent public/stakeholder engagement noted in the previous section. Risk posed by flooding from riverine, pluvial (urban), and precipitation-induced mudflows will be included. Assessment of these flood hazards will include consideration of:

- A description of possible flood hazards within the community
- Descriptions of previous impacts, including property and infrastructure damages, life safety impacts, and disruptions to businesses and services, as available
- Current and projected flood risks trends including frequency and intensity
- Mapping of areas impacted by flood hazards and a description of areas impacted
- Potential impacts from cascading hazard events, such as wildfires and hurricane or tropical storm remnants
- Existing flood control measures and structures including dams/levees

Vulnerability of identified critical facilities and assets will be assessed by mapping flood hazards with critical facilities/assets to determine exposure, along with assessment of potential impacts such as physical and social vulnerability with respect to existing mitigation measures. Community stressors that contribute to vulnerability will also be considered.

### Task 4.A: Identify Priority Areas

Once risk and vulnerability have been assessed, priority areas will be identified using a developed scoring methodology. At a minimum, this methodology will include factors such as flood exposure (e.g., high-risk areas), vulnerability, adaptive capacity, and social vulnerability. The federally recognized Opportunity Zones (202 or Bluefield and 206 or Claypool Hill), areas identified in the Floodplains and Flooding Resilience Category of ConserveVirginia, and vulnerable population areas will also be factors in project identification and prioritization.

### Task 4.B: Identify Priority Projects

Using risk assessment results, stakeholder feedback, and priority areas, flood mitigation projects will be identified and prioritized. A wide range of project types will be considered, including but not limited to:

- Planning (e.g., land use and floodplain management ordinances, conservation overlays and easements, riparian buffers);
- Future studies - identification of future studies and analysis needed (e.g., H&H for future conditions);
- Policies and programs (buyouts/land acquisition, Community Rating System, elevation);
- Natural stream and wetland restoration or preservation;
- Structural (hardening, culvert upgrades and replacements, slope stabilization);
- Strategies to address other natural hazards that would cause, affect, or result from flooding events including:
  - Mine blow-outs,
  - Earthquakes,
  - Storage of hazardous materials,
  - Landslides/mud/debris flow/rock falls,

- Prevention of wildfires that would result in denuded lands making flooding, mudslides or similar events more likely,
  - Preparations for severe weather events including tropical storms, winter storms, or other severe storms,
- Emergency Response; and,
- Community Outreach and Education (e.g., education for community leaders, outreach materials for the public), including strategies for creating and supporting knowledgeable, inclusive community leaders and networks.

Once projects have been identified, they will be prioritized using various metrics. Different weights may be applied to metrics as appropriate. Prioritization metrics to be considered in the plan include:

- Risk reduction (e.g., losses avoided)
- Nature-based solution
- Equity-based
- Within priority area
- Within Census Tract 202/Bluefield and 206/Claypool Hill Opportunity Zones
- Cost-effectiveness (determined via planning level costs analysis and/or benefit-cost analysis)
- Political feasibility
- Time needed for implementation
- Other special consideration as necessary (e.g., historic or cultural)
- Co-benefits (e.g., water quality, habitat preservation or restoration, community amenities)

These projects will be presented to the planning team and the public via stakeholder workshops.

## Task 5: Draft the Plan

The County will draft an actionable flood resilience plan to meet the goals of the project. The resilience plan will include the elements DCR defines for a successful resilience plan:

- Be project-based with projects focused on flood control and resilience
- Incorporate nature-based infrastructure to the maximum extent possible
- Consider all parts of Tazewell County and its communities regardless of socioeconomic or race
- Coordinate with other local and inter-jurisdictional projects, plans, and activities
- Clearly articulate a timeline and/or phasing for implementation, and
- Be based on the best available science, incorporating climate change, changes in precipitation events, and current and/or revised flood maps.

The following sections are envisioned:

- Introduction
- Background and Goals
- Planning Process (including stakeholder engagement)
- Existing Conditions (demographics, capabilities, issue understanding)
- Capacity and Capability Needs Assessment
- Risk and Vulnerability Assessment

- Priority Area Identification
- Prioritized Flood Risk-Reduction Actions
- Plan Implementation and Maintenance

*Measuring Success*

<b>Performance Output</b>	<b>Measurement</b>
An actionable plan	DCR-approved plan
Identified capability/capacity needs with strategies to remedy	Increase in staff, financial, and/or technical capacity to manage flood risk such as presence of CFM on staff, presence of risk communication program
Prioritized projects	Wide range of project types (e.g., planning, policy, structure, NBS, etc.); linkable to a funding source
Plan maintenance procedures	Procedures agreed upon by the project partners for regular meeting of the Planning Team, project status reviews, and plan updates.

A completed Scoring Criteria Sheet for this proposed project (using Appendix D for Capacity Building and Planning) is in the supporting documentation, Attachment 10.

## Budget Narrative

The estimated total cost to bring the project to completion is \$369,500.

Because of Tazewell County's household median income level, it meets the CFPF definition of a low-income community, and therefore this application requests 90% support from the Fund and offers a 10% match.

- The amount of grant assistance requested from the Fund is \$332,550.
- The amount of cash funds available and pledged as match is \$36,950. The source of these funds is First Earth|2030's operational funds, held at Virginia National Bank.

The budget table on the following page provides detailed additional information about the intended expenditures to implement this planning and capacity-building project.

The rate cards from First Earth|2030 and Stantec, the two third-party contractors, further illustrate the breakdown of expenditures (see following pages).

Please see the cover letter to this application package as the required authorization to request funding from the Fund from C. Eric Young, Esq., Tazewell County Administrator (the chief executive of the local government).

Please also see Attachment 11 for a signed pledge agreement with First Earth|2030 as the contributing organization.

**TAZEWELL COUNTY FLOOD PREPAREDNESS PLAN**  
 Budget Summary  
 March 30, 2022  
**DRAFT ESTIMATE**

TASK #		TASK / TASK NAME	PROJECT TOTAL	TAZEWELL COUNTY	FIRST EARTH 2030	PRIME CONTRACT	Sub Contract	Subtotal	Match	REQUESTED CFPF FUNDS
<b>TAKE 1: INITIATE THE PROJECT</b>										
		Task 1A: Orientation Meeting	\$15,000	\$0	\$9,000	\$6,000				
		Task 1B: Form the Planning Team	\$4,500	\$0	\$3,000	\$1,500				
<b>TAKE 2: DATA COLLECTION AND REVIEW</b>										
		Task 2A: Data Collection and Review	\$42,500	\$0	\$3,500	\$19,500	\$2,550			\$16,950
		Task 2B: Summarizing the Data	\$20,000	\$0	\$2,000	\$18,000	\$62,500	\$0		
<b>TAKE 3: ENGAGE THE STAKEHOLDERS</b>										
		Planning Team Kickoff	\$16,500	\$0	\$7,500	\$9,000				
		Public Kickoff Meeting	\$18,000	\$0	\$9,000	\$9,000				
		Public Risk Assessment and Priority Area ID Workshop	\$11,500	\$0	\$2,500	\$9,000				
		Public Project Alternatives Review (Priority Area-Specific) Workshops	\$25,500	\$0	\$7,500	\$18,000				
		Public Prioritization (Priority-Area Specific)	\$23,500	\$0	\$5,500	\$18,000				
		Draft Plan Review	\$8,500	\$0	\$2,500	\$6,000				
						\$103,500	\$19,500			\$94,000
<b>TAKE 4: ASSESS PROBLEMS AND RISK</b>										
		Task 4A: Identify Priority Areas	\$35,000	\$0	\$4,000	\$31,000				
		Task 4B: Identify Priority Projects	\$60,500	\$0	\$5,500	\$55,000	\$9,500			
<b>TAKE 5: DRAFT THE PLAN</b>										
			\$28,000	\$0	\$10,000	\$18,000	\$28,000	\$5,400		
<b>ADDITIONAL ITEMS</b>										
<b>TAKE 6: PROJECT MANAGEMENT</b>										
			\$58,000	\$0	\$50,000	\$8,000	\$58,000	\$0		
			\$2,500	\$2,500	\$0	\$0	\$2,500	\$0		
<b>TAKE 7: CFM TRAINING</b>										
			\$369,500	\$2,500	\$121,500	\$245,500				
								\$36,900		\$332,550



FIRST EARTH | 2030  
3800 Grove Ave  
Richmond | Virginia  
[firstearth2030.com](http://firstearth2030.com)  
804.687.1869

**Hiring FE 2030:**

We provide unique and high-quality services for our clients. Our fees are based on transactional work or service fees. Rates are dependent on scope of work and opportunity.

**Scope of Work Considerations:**

- Length of contract
- Geographic focus
- Augmentation of project with grant writing/management and submission
- Federal, State, and Local obstacles/permitting
- Specialized resources, expertise, and/or use of intermediaries

**FE 2030 rates are determined by the type of client engagement:**

- *One-time fee* - fee based transactional work for the client
- *Monthly/Yearly retainer* - sources all investment opportunities in the time contracted, advises on projects, and provides continual service support
- *Specific project-based fee* - could involve property advice, grant writing, tax credit planning, property management, providing best use options
- *Percentage fee* – percentage of investment dependent on scope of work
- *Other* - fee specifically designed for client or project that may be based on blended and/or geographically diverse work and focus

**FE general consulting rates which may vary depending on the project:**

Program Manager	\$250.00/ hr
Senior Project Manager	\$200.00/ hr.
Project Manager	\$175.00/ hr.
GIS/ Data Analyst	\$120.00/ hr.
Grant Specialist	\$85.00/ hr.
Technician	\$75.00/ hr.
Travel Time Expenses	Quarter rate Bill at cost

## Solutions & Offerings

First Earth | 2030 has originated and transacted over \$100,000,000 of market activity for our clients by analyzing opportunities with experienced guidance and skilled management. Our goal has been to deliver financial value on important properties while simultaneously conserving, enhancing, and protecting the land's significant ecosystems.

First Earth | 2030 is a results-based environmental asset management firm delivering customized outcomes for public and private clients. Our team provides innovative conservation techniques and solutions that result in environmental and economic project lift.

---

FE delivers ecosystem service solutions that enhance and protect the value of open space lands, working farms, timberlands, shorelines and wetlands. We optimize our clients' eco-asset potentials of their land, water and air to generate:

- Strong risk adjusted returns
- Improved conservation values
- Increased real property values

Project costs managed by FE can often be reduced by delivering return mechanisms that include incentives such as federal and state tax deductions/ credits, carbon finance, mitigation finance, grants and project completion investment contracts.

### Land Asset Management Solution Sets

- Open space, mine land and timber land solutions
- Flood preparedness & living shoreline solutions
- Outdoor recreation as economic development solutions
- Renewable energy generation solutions

### Service Offerings

- Program Requirement Scoping Services
- Initial Project Design
- Project Management & Delivery
- Grant Writing
- Post Construction Monitoring & Stewardship Services



# 2021-22 Standard Rate Schedule

*Rates effective through December 31, 2022*

## BUCHANAN COUNTY & FIRST EARTH 2030

### Professional Staff

Labor Category	Hourly Rate	Labor Category	Hourly Rate
Senior Technical Advisor	\$300	Senior Technical Lead	\$220
Senior Principal	\$220	Senior Project Manager	\$240
Principal	\$185	Project Manager	\$175
Senior Process Engineer	\$190	Process Engineer	\$175
Engineer	Staff - \$155 Mid-Level - \$195 Senior- \$240	Engineer-in-Training	\$150
Environmental Planner	Staff - \$105 Mid-Level - \$155 Senior- \$185	Environmental Specialist	Staff- \$105 Mid-Level - \$155 Senior- \$185
Regulatory Specialist	Staff- \$105 Mid-Level - \$155 Senior- \$185	Ecologist	Staff- \$105 Mid-Level - \$155 Senior- \$185
Landscape Architect	Staff- \$105 Mid-Level - \$155 Senior- \$185	GIS Coordinator	\$175
CAD Designer	\$150	CAD/GIS Technician	\$125

### Technical and Administrative Staff

Labor Category	Hourly Rate	Labor Category	Hourly Rate
Environmental Technician	\$105	Engineering Technician	\$125
Project Administrator	\$110	Clerical	\$90



# 2021-22 Standard Rate Schedule

Rates effective through December 31, 2022

## Reimbursable Expenses

### Reproduction

Black & White Copies	\$0.06 each	Color Copies	\$1 each
In-House Plots	\$10 each	Other Reproduction	At Cost*
Mileage	\$0.545/mile (subject to change based on IRS standard)		
Travel and Expenses	At Cost		

\* There is a 15% handling fee added unless exception provided in written agreement.

### Field Equipment

GPS Unit (sub-meter)	\$25/day	Data Collection Equipment	\$20/day
Laser Level	\$20/day	Laser Range Finder	\$20/day
Gator/ATV	\$75/day	ARGO	\$100/day
Boat	\$250/day	Canoe	\$20/day
High Pressure Spray Rig	\$25/day	Backpack Sprayer	\$10/day
Hatchet Injector	\$10/day	Brush Cutter/Chainsaw	\$20/day
Field Consumables	\$5/day	Water Quality/Flow Meter	\$15/day
Total Station	\$50/day	Polaris ATV	\$50/day

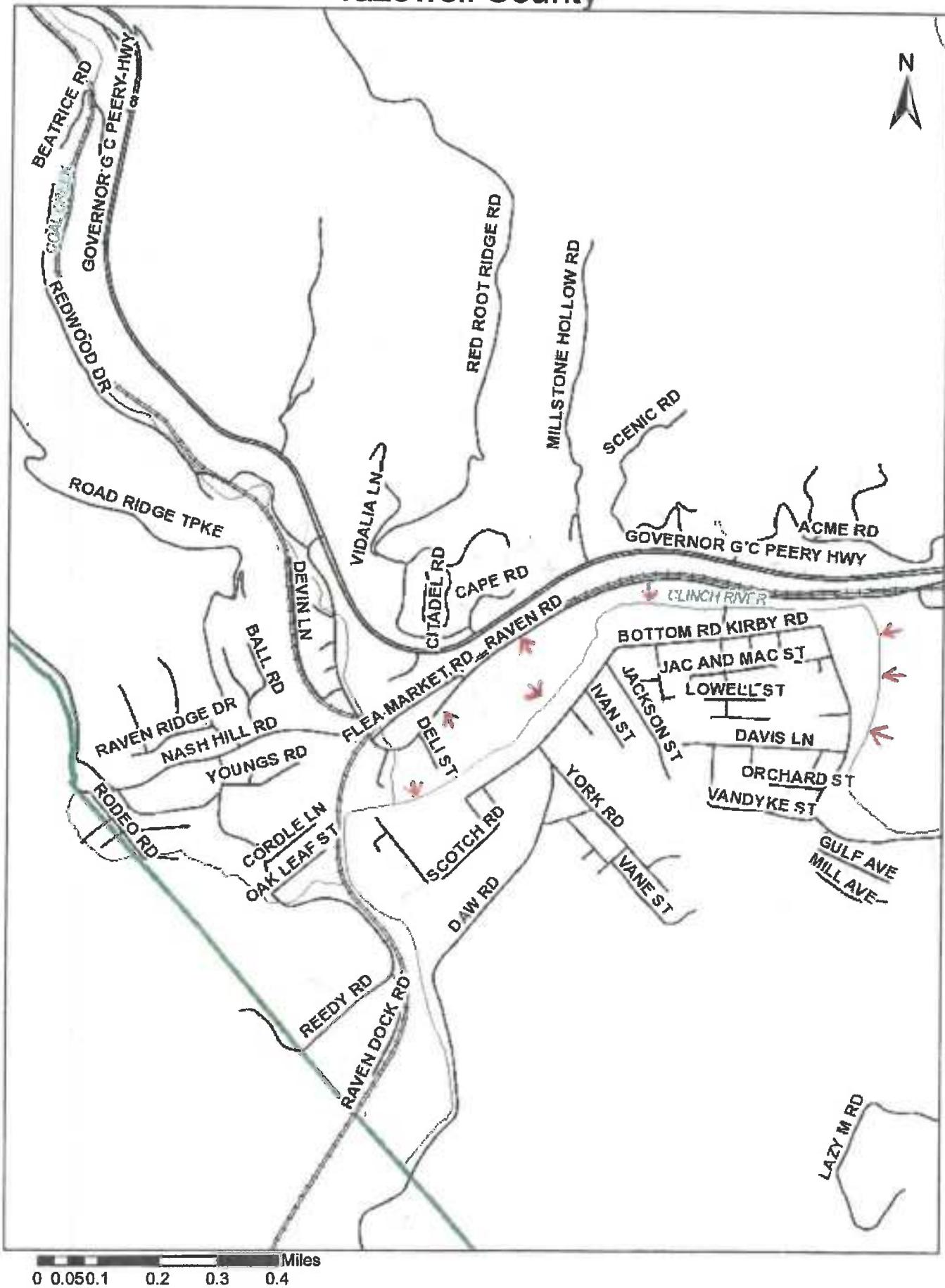
### Archaeological Specific Rates

Field Supply Charge	\$25.50/week	Lab Fee	\$15.50/week
Balloon	\$36 each	DHR Archival Photos	\$1 each

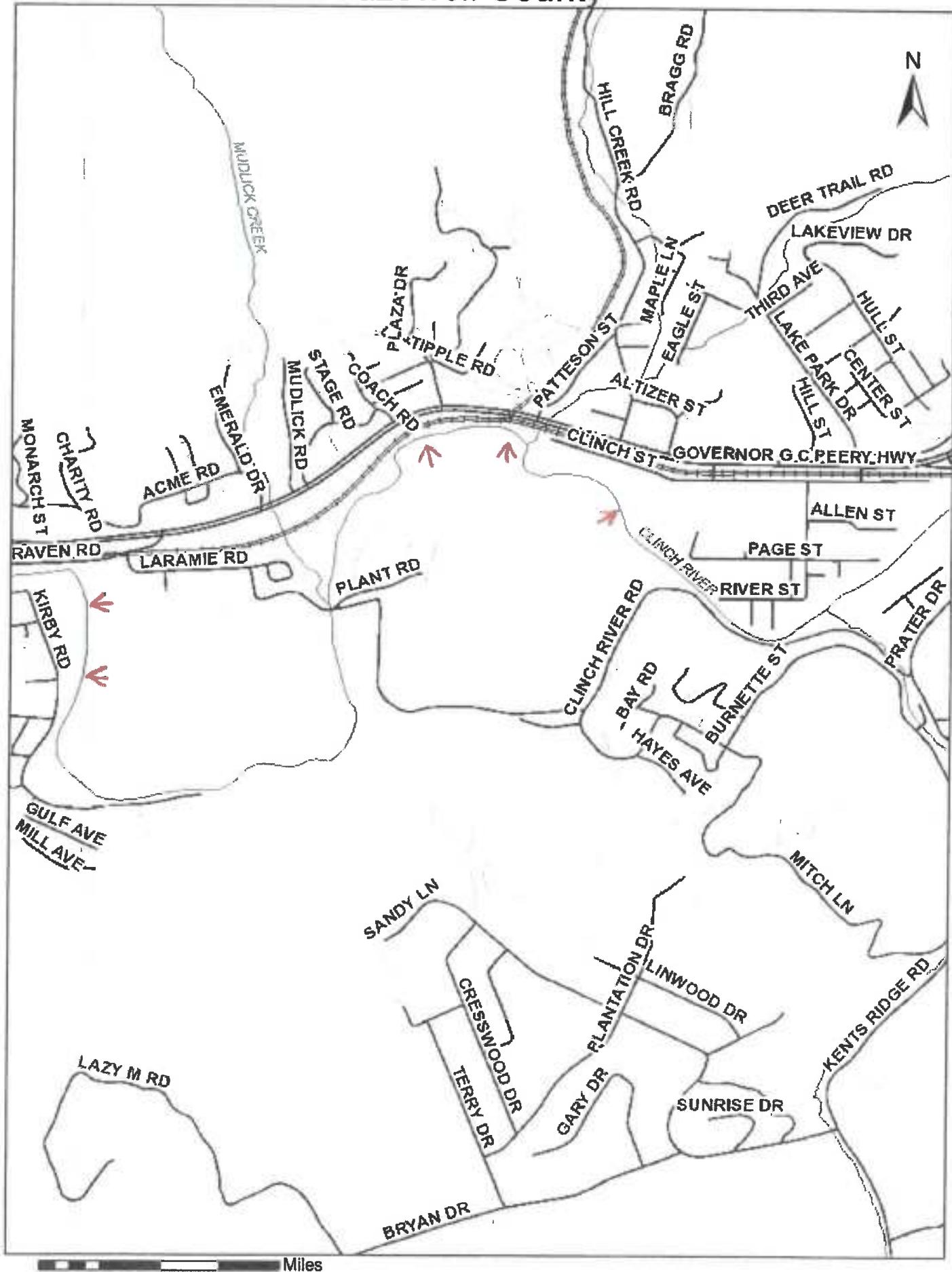
### Other Direct Rates

Lab Fee	\$50/day	Lamination	\$3/sheet
Report Supplies	At Cost	Shipping	At Cost

# Tazewell County

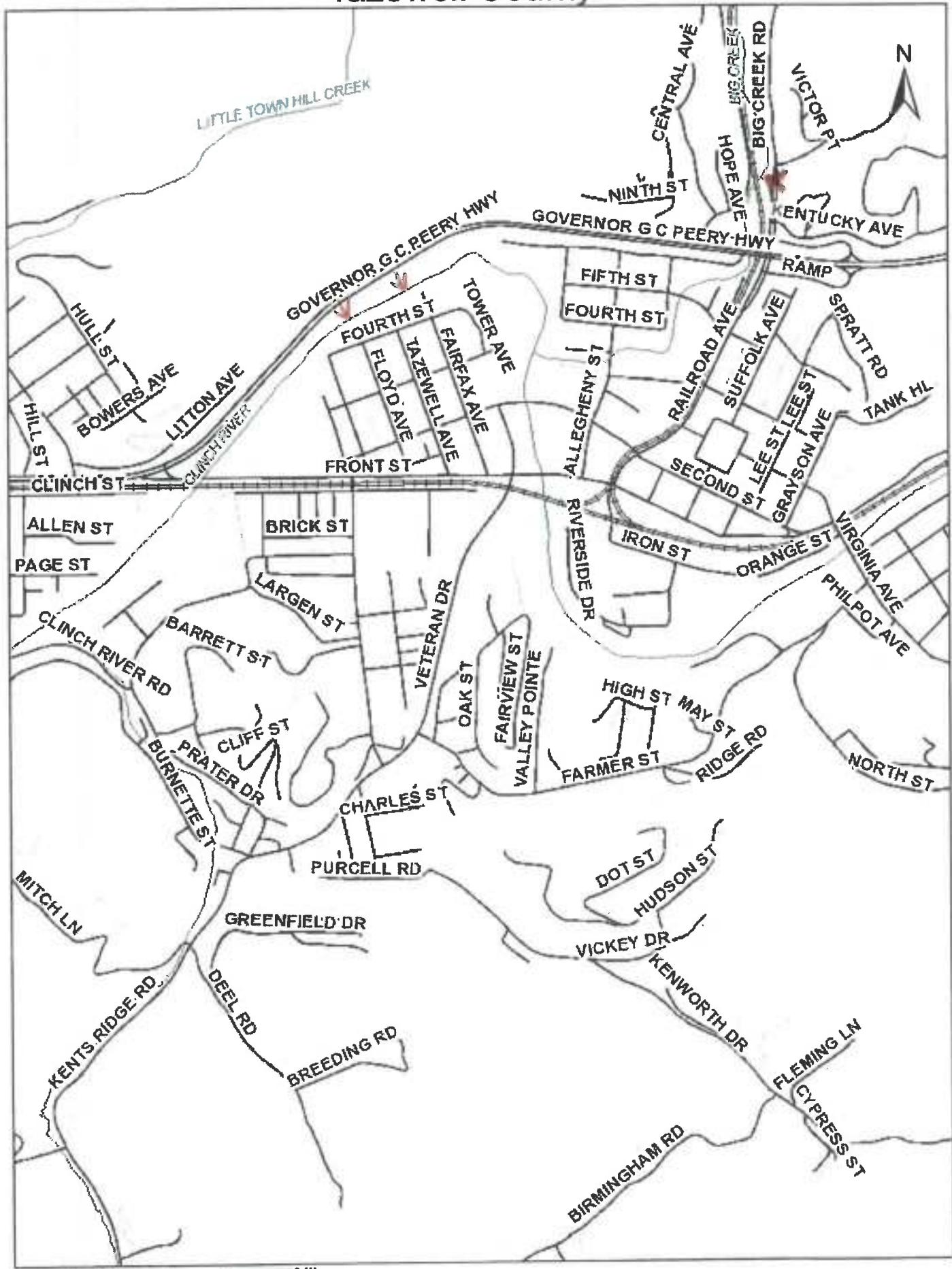


# Tazewell Count



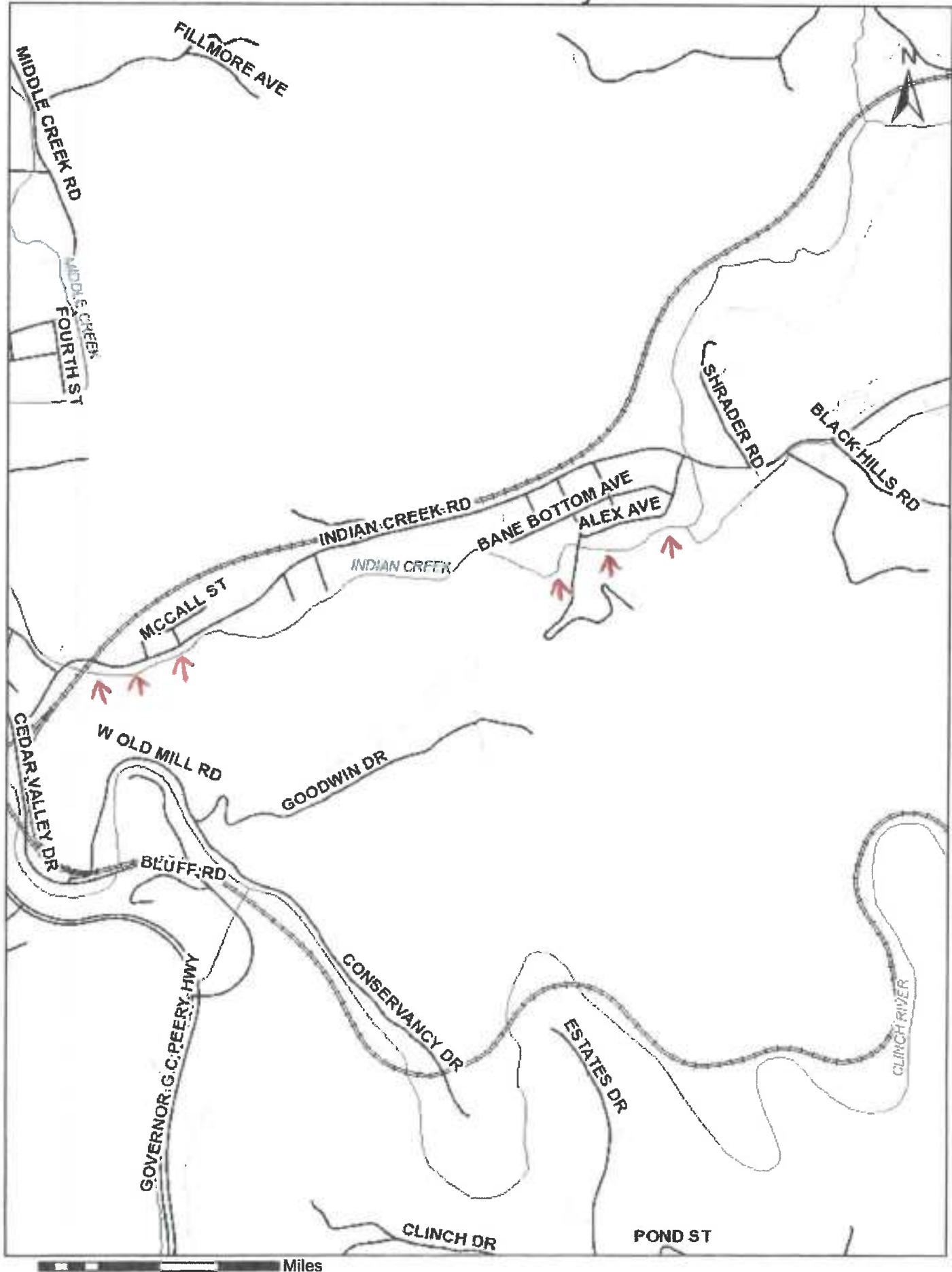
0 0.05 0.1 0.2 0.3 0.4 Miles

# Tazewell County



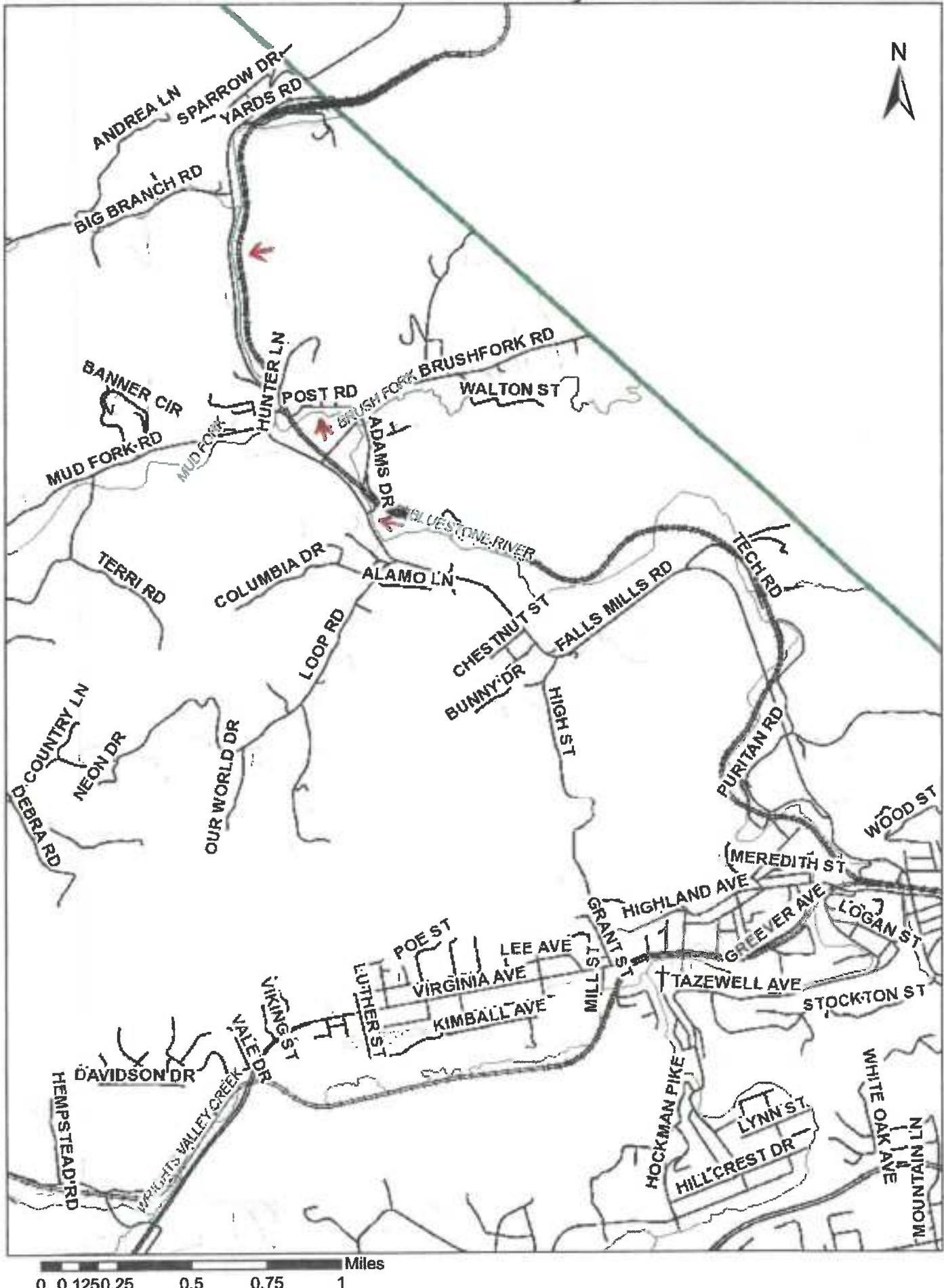
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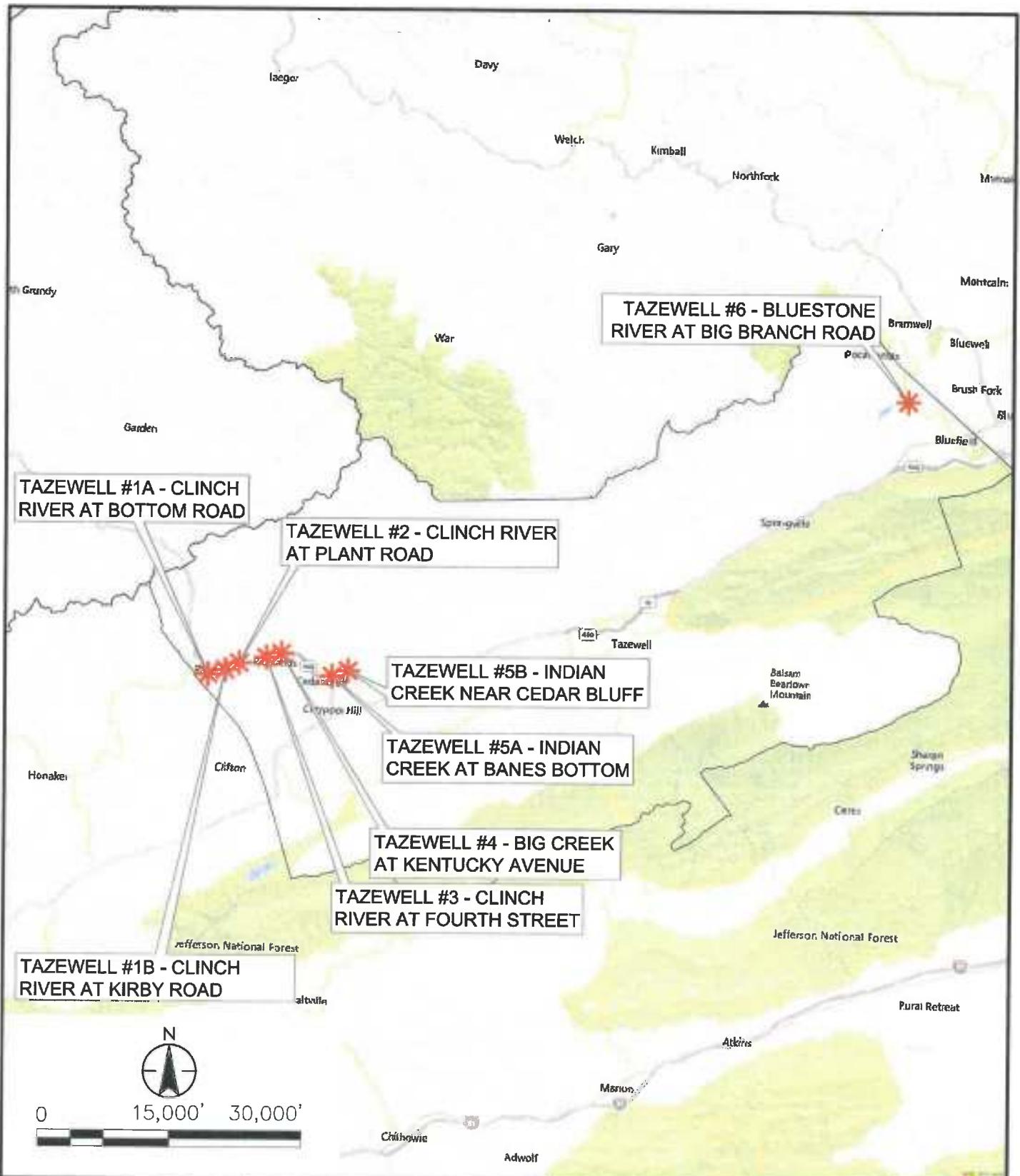
# Tazewell County



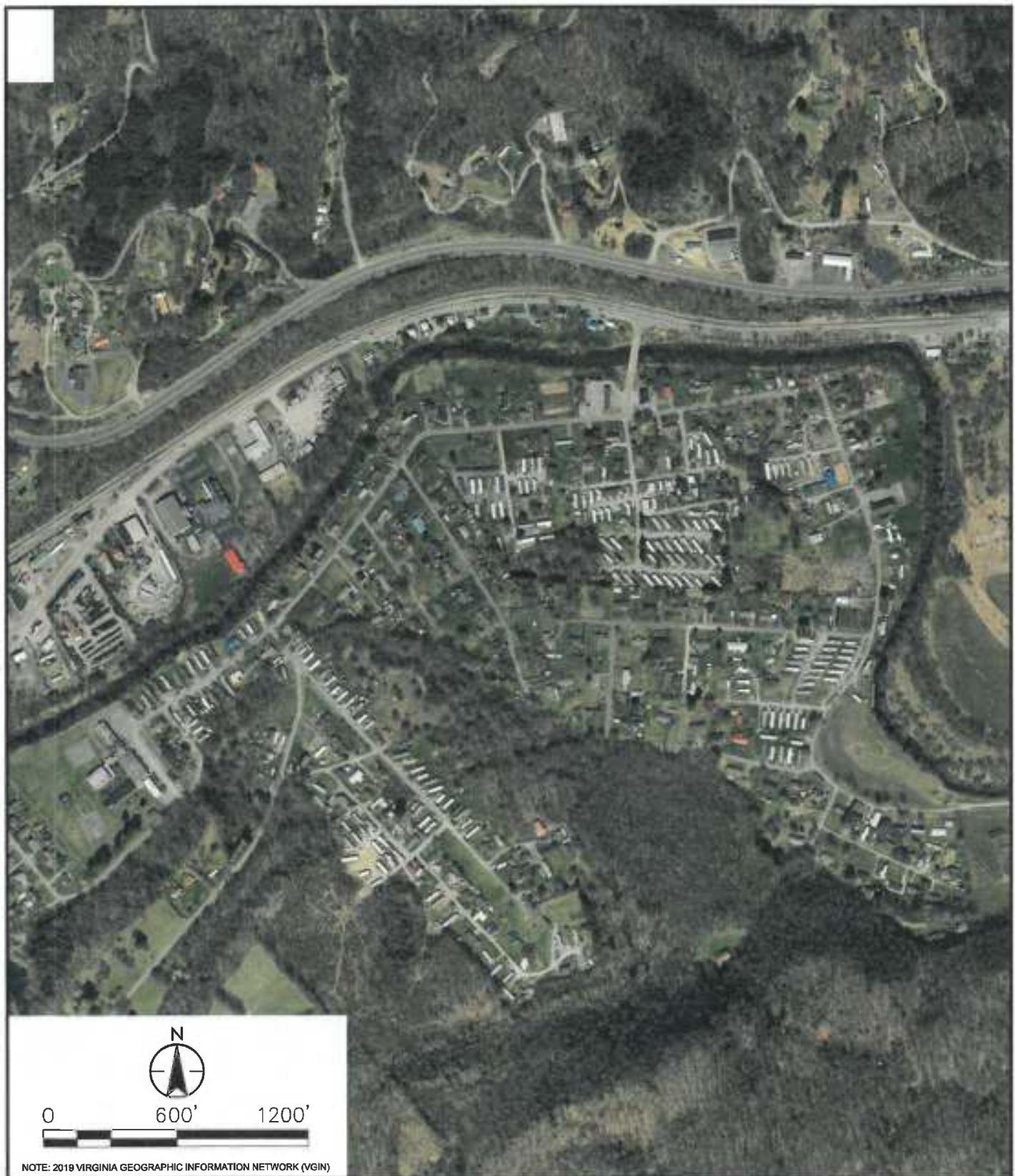
0 0.05 0.1 0.2 0.3 0.4 Miles

# Tazewell County





Stantec	FOR:	TAZEWELL COUNTY OVERALL				FIGURE: 1
		FIRSTEARTH 2030	TAZEWELL COUNTY, VIRGINIA	JOB NUMBER:	DRAWN BY:	CHECKED BY:
5209 Center Street Williamsburg, VA 23188 PHONE: (757) 220-6869 FAX: (757) 229-4507		203401767	SS	SS	TC	MARCH 2022



0

600'

1200'

NOTE: 2019 VIRGINIA GEOGRAPHIC INFORMATION NETWORK (VGIN)

 <b>Stantec</b> 5209 Center Street Williamsburg, VA 23188 PHONE: (757) 220-6869 FAX: (757) 229-4507	FOR:	TAZEWELL #1A CLINCH RIVER AT BOTTOM ROAD TAZEWELL #1B CLINCH RIVER AT KIRBY ROAD			FIGURE:
	JOB NUMBER:	DRAWN BY: SS	CHECKED BY: SS	APPROVED BY: TC	DATE: MARCH 2022

2



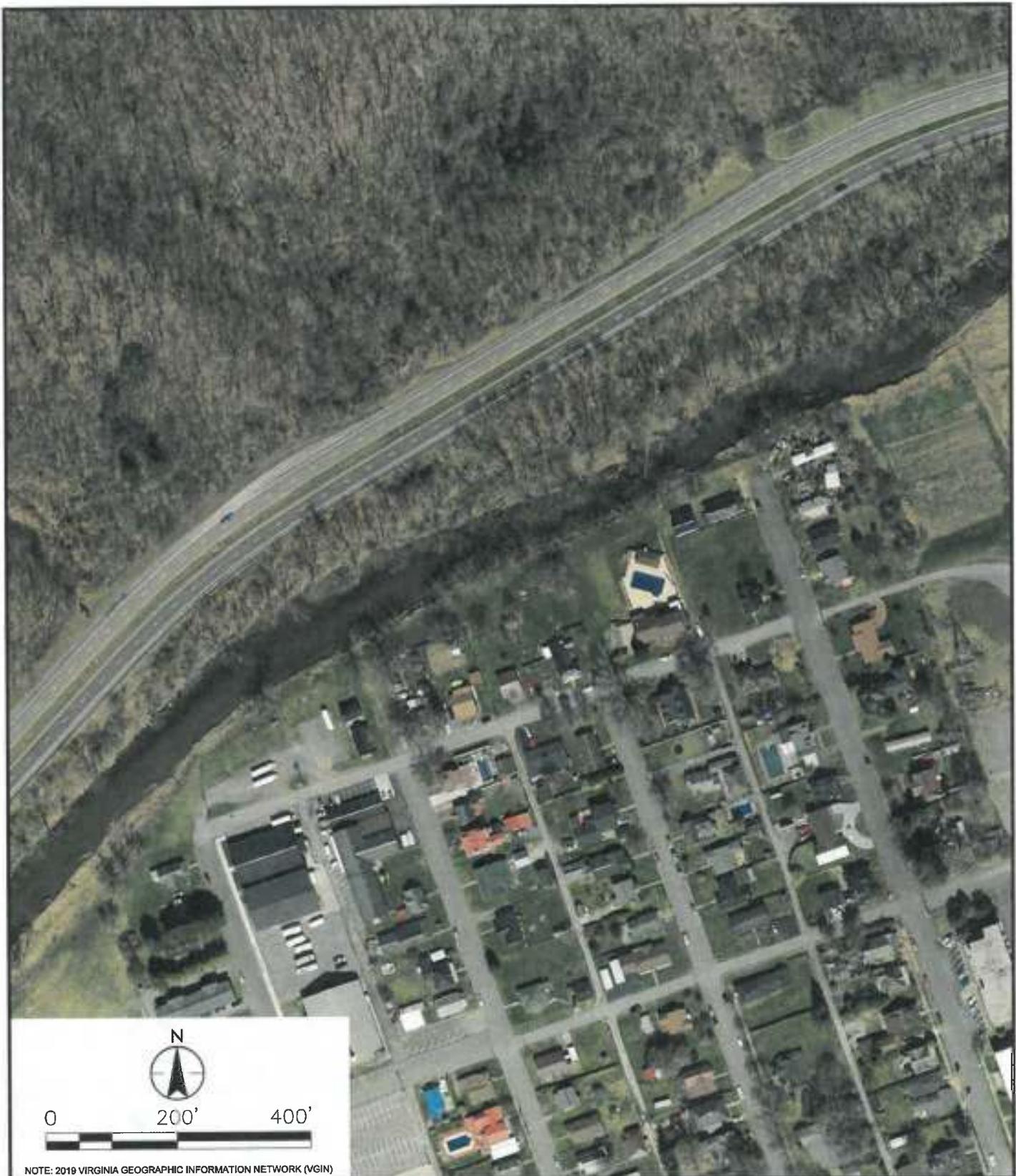
0

200'

400'

NOTE: 2019 VIRGINIA GEOGRAPHIC INFORMATION NETWORK (VGIN)

 <b>Stantec</b> 5209 Center Street Williamsburg, VA 23188 PHONE: (757) 220-6869 FAX: (757) 229-4507	FOR:	FIRSTEARTH 2030 TAZEWELL COUNTY, VIRGINIA	TAZEWELL #2 CLINCH RIVER AT PLANT ROAD	FIGURE: <b>3</b>
	JOB NUMBER:	DRAWN BY: SS	CHECKED BY: SS	APPROVED BY: TC



0

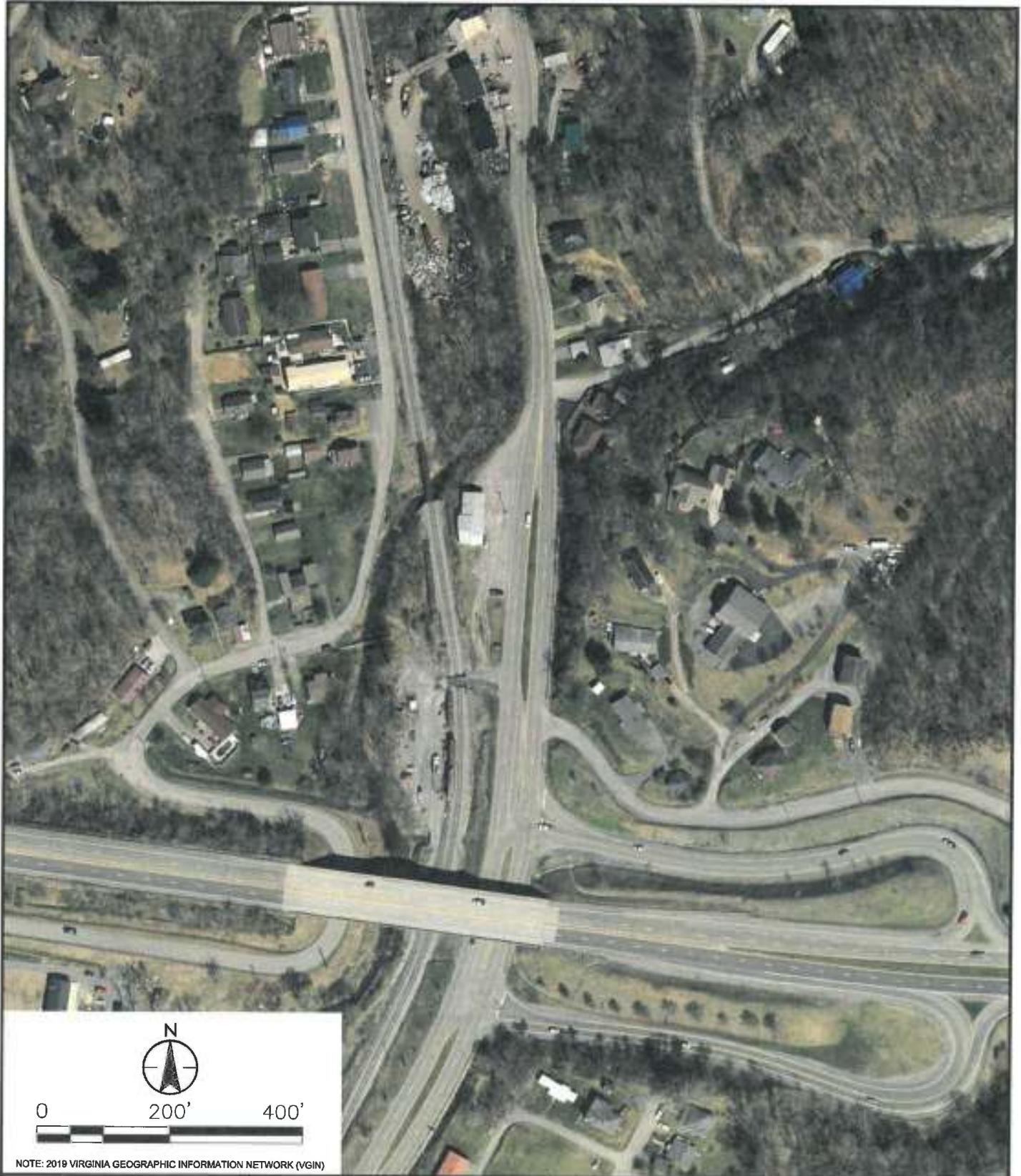
200'

400'

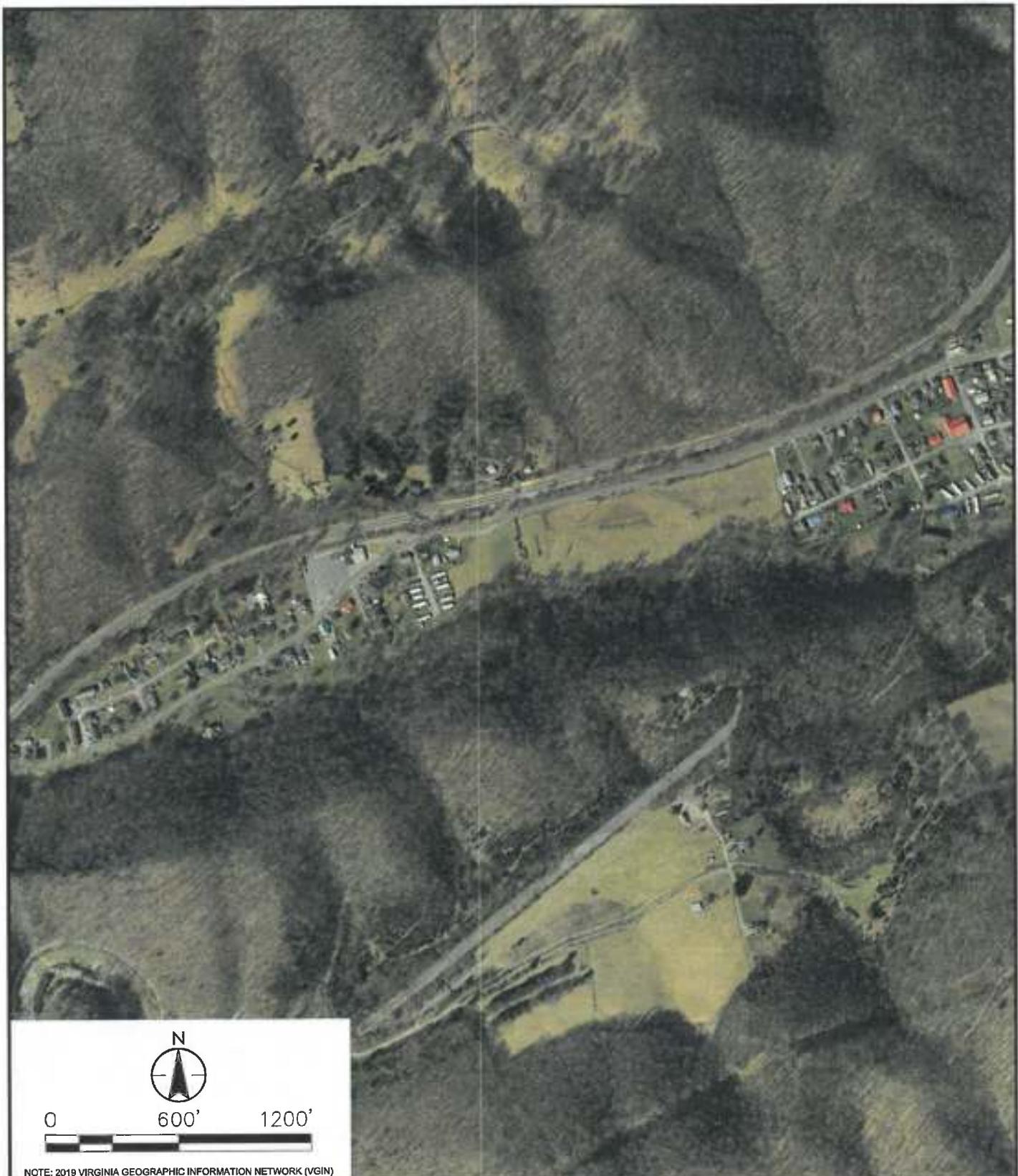
NOTE: 2019 VIRGINIA GEOGRAPHIC INFORMATION NETWORK (VGIN)

 <b>Stantec</b> 5209 Center Street Williamsburg, VA 23188 PHONE: (757) 220-6869 FAX: (757) 229-4507	FOR:	TAZEWELL #3 CLINCH RIVER AT FOURTH STREET		FIGURE:
	JOB NUMBER:	DRAWN BY: SS	CHECKED BY: SS	APPROVED BY: TC

4



 <b>Stantec</b> 5209 Center Street Williamsburg, VA 23188 PHONE: (757) 220-6869 FAX: (757) 229-4507	FOR:	FIRSTEARTH 2030 TAZEWELL COUNTY, VIRGINIA	FIGURE:
	JOB NUMBER:	DRAWN BY: SS	CHECKED BY: SS
	APPROVED BY: TC	DATE: MARCH 2022	



NOTE: 2019 VIRGINIA GEOGRAPHIC INFORMATION NETWORK (VGIN)

 <b>Stantec</b> <small>5209 Center Street Williamsburg, VA 23188 PHONE: (757) 220-6869 FAX: (757) 229-4507</small>	FOR:	TAZEWELL #5A INDIAN CREEK AT BANES BOTTOM TAZEWELL #5B INDIAN CREEK NEAR CEDAR BLUFF			FIGURE:
	JOB NUMBER:	DRAWN BY: SS	CHECKED BY: SS	APPROVED BY: TC	DATE: MARCH 2022



0

200'

400'

NOTE: 2019 VIRGINIA GEOGRAPHIC INFORMATION NETWORK (VGIN)

**Stantec**5209 Center Street  
Williamsburg, VA 23188  
PHONE: (757) 220-6869 FAX: (757) 229-4507

FOR:

FIRSTEARTH 2030

TAZEWELL COUNTY, VIRGINIA

TAZEWELL #6  
BLUESTONE RIVER  
AT BIG BRANCH ROAD

FIGURE:

7

JOB NUMBER:

DRAWN BY:

SS

CHECKED BY:

SS

APPROVED BY:

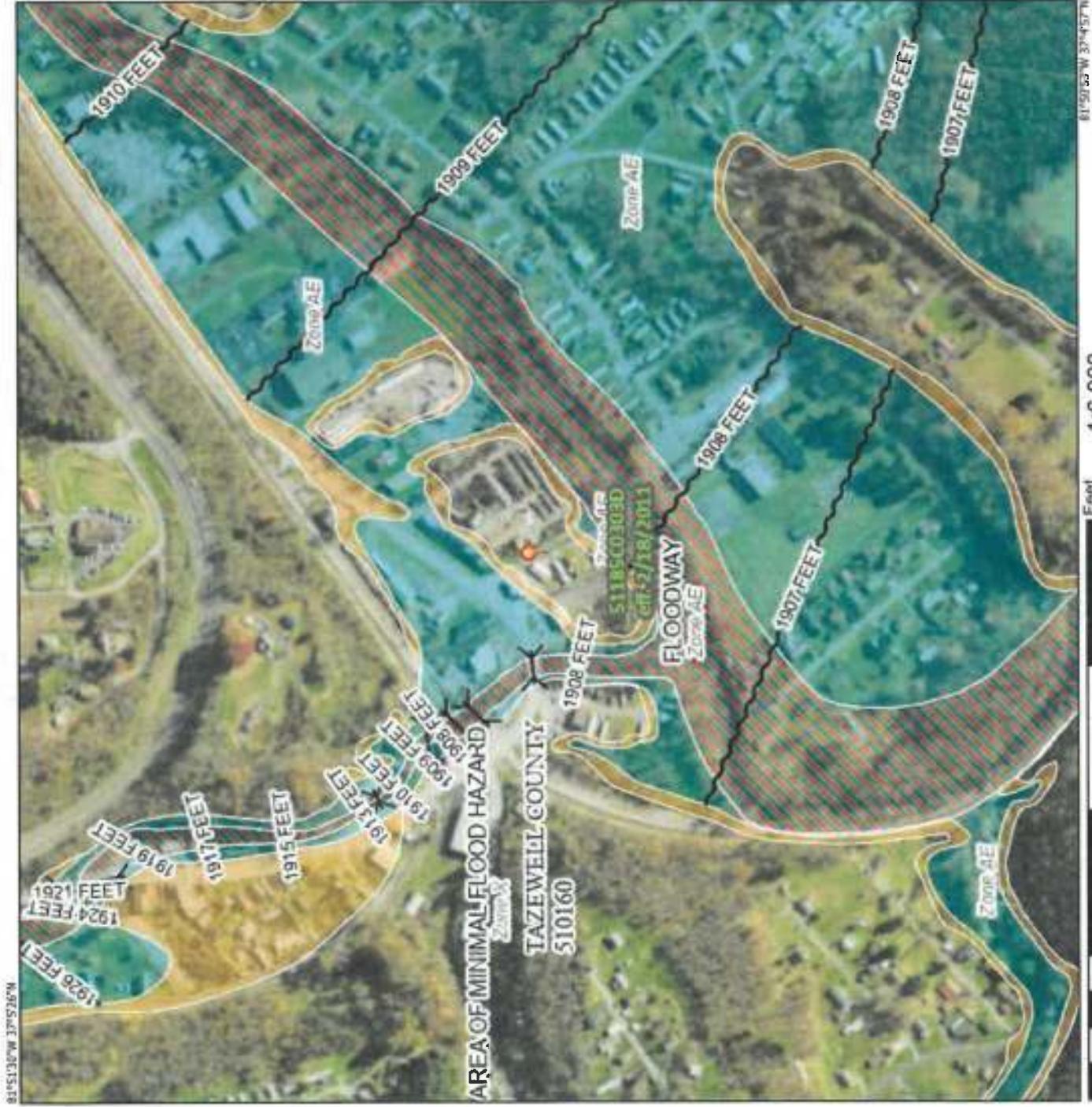
TC

DATE:  
MARCH 2022

# National Flood Hazard Layer FIRMette



## Legend



# National Flood Hazard Layer FIRMette



**Legend**



# National Flood Hazard Layer FIRMette



## Legend



81°50'37"W 37°55'44"N

# National Flood Hazard Layer FIRMette



## Legend



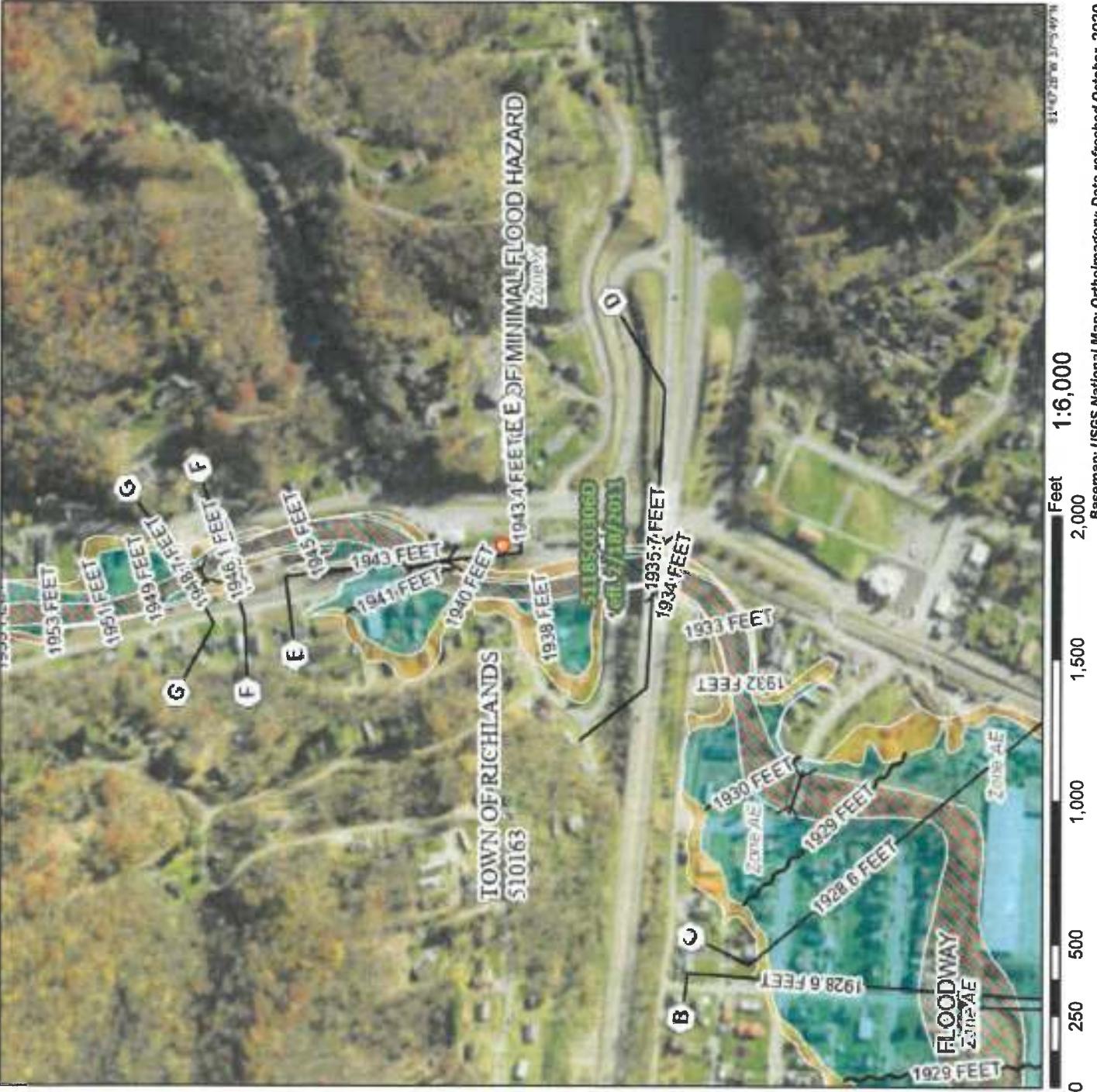
National Flood Hazard Layer FIRMette



## Legend

81°40'51" W 37°06'17" N

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



**Basemap: USGS National Map; Orthoimagery: Data refreshed October, 2020**

**unmapped and unmodernized areas cannot be used for regulatory purposes.**

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

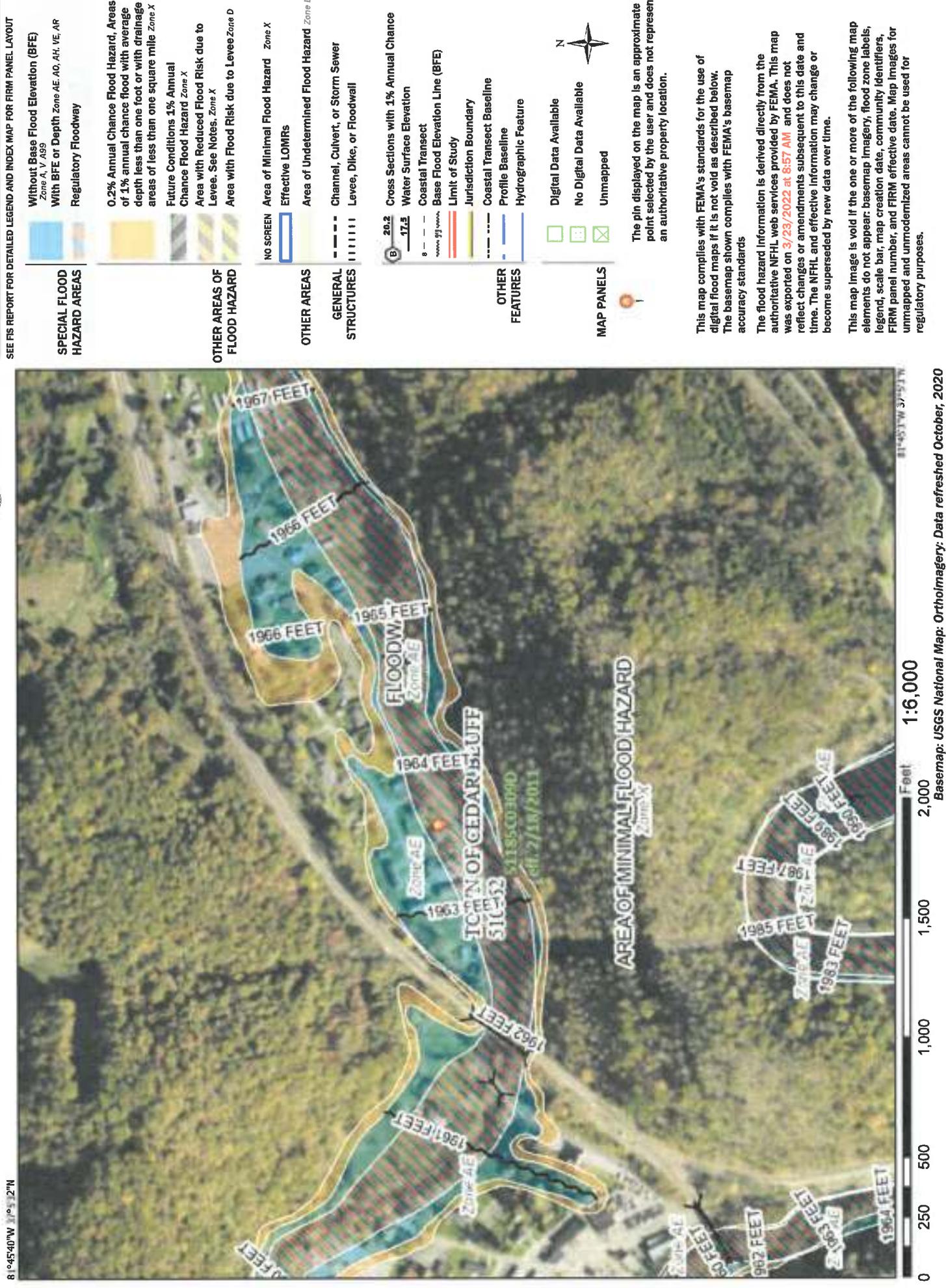
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standard.

The flood hazard information is derived directly from the authoritative NFHIL web services provided by FEMA. This map was exported on **3/23/2022 at 7:37 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHIL and effective information may change or become superseded by new data over time.

# National Flood Hazard Layer FIRMette



## Legend



# National Flood Hazard Layer FIRMette



## Legend



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

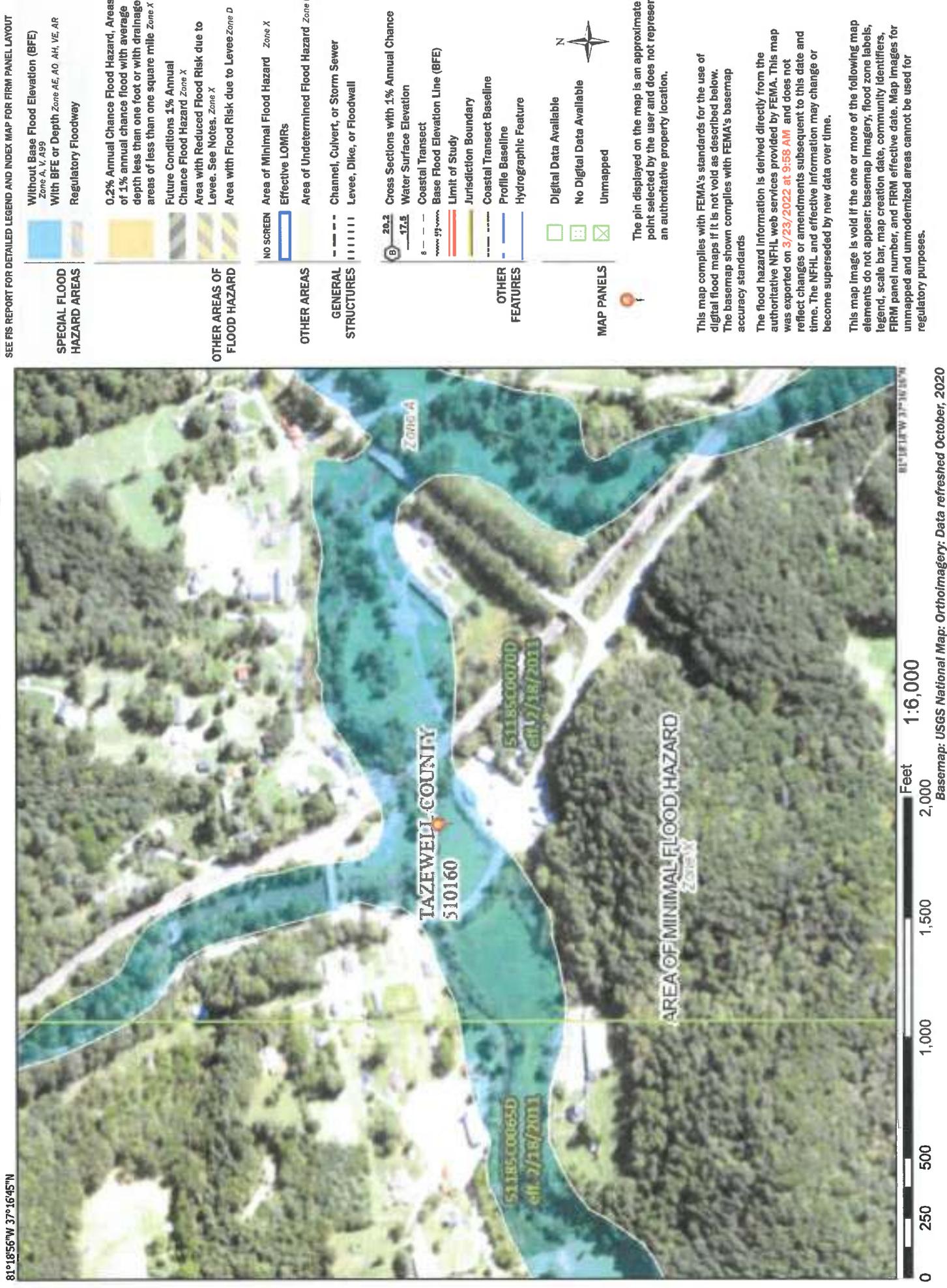
The flood hazard information is derived directly from the authoritative NFIL web services provided by FEMA. This map was exported on 3/23/2022 at 10:01 AM and does not reflect changes or amendments subsequent to this date and time. The NFIL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRI effective date. Map Images for unmapped and unmodernized areas cannot be used for regulatory purposes.

# National Flood Hazard Layer FIRMette



## Legend



[https://www.bdtonline.com/news/state-of-emergency-declared-in-tazewell-county-due-to-flooding/article\\_732adc66-48fe-11ea-ab01-67b21dc9e50c.html](https://www.bdtonline.com/news/state-of-emergency-declared-in-tazewell-county-due-to-flooding/article_732adc66-48fe-11ea-ab01-67b21dc9e50c.html)

BREAKING FEATURED

## State of emergency declared in Tazewell County due to flooding

By CHARLES OWENS Bluefield Daily Telegraph  
Feb 6, 2020



Photo by Larry Hypes

The Bluestone River at Falls Mills was a roaring torrent Thursday evening with small creeks pouring water into yards and fields in the soggy weather pattern.



TAZEWELL, Va. — A state of emergency has been declared in Tazewell County due to flooding.

All county offices, the courthouse and the sheriffs office are closed for the remainder of the day, according to a statement by the Tazewell County Sheriff's Office.

The statement said currently there is one shelter open at the Richlands Police Department for anyone displaced by flooding.

A flash flood warning remains in effect for Tazewell County. According to the National Weather Service in Blacksburg, Va., significant flooding is occurring in parts of the region. The forecast warns that the Clinch River in Tazewell County may reach flood heights not seen in over 40 years.

The warning states the Clinch River is already above flood stage, and is expected to crest around 15 feet.

If this were to occur, this would be the highest readings since November of 2003 or earlier, the flash flood warning said. A local emergency has been declared and evacuations in the vicinity of the Clinch River may be needed shortly, the warning states.

Robert Beasley, a meteorologist with the National Weather Service in Blacksburg, Va. said that he and his colleagues have been monitoring this storm system for about a week.

"We have been looking at this for several days and it has been concerning us for almost a week," Beasley said. "It is a little unprecedented because we usually do not have air that is this moist at this time of the year."

According to Beasley, the situation in Tazewell, Va. remains serious. "It has been really bad more in the Richlands and Tazewell areas," he said.

3/10/22, 1:40 PM

State of emergency declared in Tazewell County due to flooding | News | bdtonline.com

As of 2:30 p.m., Tazewell County emergency dispatch stated that no water rescues have been reported there and no major problems, just a lot of minor flooding.

This story will be updated as more details become available.

# Town of Richlands sees blocked roads as river banks flood Monday morning

By **Jacob Comer** - March 1, 2021 5:37 pm

RICHLANDS, VA (WOAY) – Early Monday morning, the Town of Richlands saw river banks begin to flood.

Police began to block off flooded roads and along with fire and rescue, they began knocking on doors, letting residents know about the potential danger.

"Most of the roads we've concentrated on are residential streets," Richlands Police Chief Jerry Gilbert said. "Letting people know the water was rising and they may want to consider evacuating their homes and moving to higher ground."

This isn't the first time the Town of Richlands has seen flooding of this caliber. There were two significant floods last year, one of which saw water nearly reach the main downtown roadway.

One of those previous floods happened in February of 2020, and saw more than 200 people evacuated from their homes due to rising waters. This flooding is not as serious as the previous year's, but water has begun to cross some streets and some roads are blocked off.

According to Tazewell County Public Schools, the county took precautions and even let some students go home early.

"We had some high water in the Richlands area and we wanted to make sure the students could get home safely and that our bus drivers could carry them safely on the buses," Tazewell Schools PR Director Lindsey Mullins said.

Gilbert added that while this flooding is not as bad as last year's, people should still be vigilant and never drive through flooded roadways.

"Do not drive through the water. We don't know what's underneath. We don't want anybody getting off in a ditch or anything, flooding out in the middle of the water."

**Jacob Comer**





## COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES  
RICHMOND

JAMES W. (WILL) MOREFIELD  
POST OFFICE BOX 828  
NORTH TAZEWELL, VIRGINIA 24630

THIRD DISTRICT

## COMMITTEE ASSIGNMENTS:

APPROPRIATIONS  
GENERAL LAWS  
COUNTIES, CITIES, AND TOWNS

March 24, 2022

Wendy Howard-Cooper  
Director for Dam Safety and Floodplain Management  
Department of Recreation and Conservation  
600 East Main Street, 24<sup>th</sup> Floor  
Richmond VA 23219

Re: CFPF application from Tazewell County

Dear Ms. Howard-Cooper and Members of the Review Team,

I write to you in enthusiastic support of the application from Tazewell County for a grant in the Capacity Building and Planning category of the Community Flood Preparedness Fund.

I am a longtime advocate of bringing resources to bear on the recurrent flooding in my district. As we have seen ever more often in recent years, Southwest Virginia's coalfields, abandoned mines, historic towns, and critical roadways are at risk from riverine flooding. Your past support for capacity-building and problem-solving in Southwest Virginia and the Coalfields has been gladly welcomed – and it continues to be badly needed.

By creating a resilience plan with Community Flood Preparedness Fund support in the coming months, then seeking future grant support for projects to implement the plan, Tazewell County will be able to prevent flooding and stabilize its losses. As a low-income county with two federally designated Opportunity Zones, it will then be able to use its revenues for other community needs and aspirations.

Thank you for your considerations and please do not hesitate to contact me if you have any questions.

Sincerely,

## Chapter 8 - FLOOD DAMAGE PREVENTION

### TITLE

#### TAZEWELL COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, IN ACCORDANCE WITH SECTION 15.1-431 OF THE CODE OF VIRGINIA, (1950), AS AMENDED. ;FL;

##### *Footnotes:*

--- (1) ---

**Editor's note—** *Ord. adopted Jan. 11, 2011, repealed the former Ch. 8, Arts. I—IV, §§ 8-1—8-9, 8-36, 8-37, 8-61—8-64, 8-86—8-90, and enacted a new Ch. 8 as set out herein. The former Ch. 8 pertained to similar subject matter and derived from an ordinance adopted Sept. 10, 1990.*

**Cross reference—** *Erosion and sediment control, Ch. 6; fire prevention and protection, Ch. 7; housing, Ch. 9; mobile homes, Ch. 11; planning and development, Ch. 15; sewers and drains, Ch. 16; subdivisions, App. A; flood provisions under subdivision ordinance, App. A, § 4-3.*

**State Law reference—** *Flood Damage Reduction Act, Code of Virginia, § 10.1-600 et seq.; comprehensive flood control program, Code of Virginia, §§ 10.1-658, 10.1-659.*

### ARTICLE I. - GENERAL PROVISIONS

#### Sec. 8-1. - Statutory authorization and purpose.

This chapter is adopted pursuant to the authority granted by Code of Virginia § 15.2-2280. The purpose of these provisions is to prevent: The loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- (3) Requiring all those uses, activities, and developments that do occur in floodprone districts to be protected and/or floodproofed against flooding and flood damage; and,
- (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(Ord. of 1-11-11(1), § 1.1)

#### Sec. 8-2. - Applicability.

These provisions shall apply to all privately and publicly-owned lands within jurisdiction of the unincorporated portions of Tazewell County, Virginia, and identified as being floodprone.

(Ord. of 1-11-11(1), § 1.2)

Sec. 8-3. - Compliance and liability.

- (a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.
- (b) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- (c) Records of actions associated with administering this chapter shall be kept on file and maintained by the Department of Building Safety or such other custodian as may from time to time be selected by the Board of Supervisors by resolution.
- (d) This chapter shall not create liability on the part of Tazewell County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.

(Ord. of 1-11-11(1), § 1.3)

Sec. 8-4. - Abrogation and greater restrictions.

This chapter supersedes any ordinance currently in effect in floodprone areas. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

(Ord. of 1-11-11(1), § 1.4)

Sec. 8-5. - Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this chapter. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this chapter are hereby declared to be severable.

(Ord. of 1-11-11(1), § 1.5)

Sec. 8-6. - Penalty for violations.

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of Tazewell County shall be guilty of a misdemeanor and subject to the penalties there for.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or

remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be condemned, declared to be a public nuisance, and be abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

(Ord. of 1-11-11(1), § 1.6)

Secs. 8-7—8-15. - Reserved.

## ARTICLE II. - DEFINITIONS

Sec. 8-16. - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Base flood.* The flood having a one-percent chance of being equaled or exceeded in any given year.

*Base flood elevation.* The Federal Emergency Management Agency designated 100-year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this chapter, the 100-year flood or one-percent annual chance flood.

*Basement.* Any area of the building having its floor sub-grade (below ground level) on all sides.

*Board of appeals.* The board designated by separate ordinance to review appeals made by individuals with regard to decisions of the ordinance administrator in the interpretation of this chapter until such time as an appeals board is so designated, all appeals shall be presented to the board of supervisors.

*Development.* Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building.* A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

*Encroachment.* The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Flood or flooding:*

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters; or
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- (2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or und caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually hi level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as f or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as de paragraph (1)a. of this definition.

*Flood insurance rate map (FIRM).* An official map of a community, on which the administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has made available digitally is called a digital flood insurance rate map (DFIRM).

*Flood insurance study (FIS).* An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

*Floodplain or floodprone area.* Any land area susceptible to being inundated by water from any source.

*Floodproofing.* Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway.* 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 one (1) foot.

*Freeboard.* A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be cheaper.

*Highest adjacent grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure.* Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or

- b. Directly by the Secretary of the Interior in states without approved programs.

*Lowest floor.* 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 Federal Code 44CFR § 60.3.

*Manufactured home.* A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days, but does not include a recreational vehicle.

*Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*New construction.* For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the enactment of this chapter, or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*Recreational vehicle.* A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

*Special flood hazard area.* The land in the floodplain subject to a one-percent or greater chance of being flooded in any given year as determined in section 8-32 of this chapter.

*Start of construction.* For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (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 buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure.* For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

*Substantial damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

*Substantial improvement.* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

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

*Violation.* The failure of a structure or other development to be fully compliant with the county's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

*Watercourse.* A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

*Zoning administrator or ordinance administrator or administrator.* The public official designated by the Tazewell County Board of Supervisors, by separate ordinance or resolution, to administer, interpret and enforce the ordinance for the county.

(Ord. of 1-11-11(1))

Secs. 8-17—8-30. - Reserved.

### ARTICLE III. ESTABLISHMENT - OF DISTRICTS

Sec. 8-31. - Description of districts.

- (a) *Basis of districts.* The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the flood insurance study (FIS) and the flood insurance rate maps (FIRM) for Tazewell County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and Tazewell County, dated February 18, 2011, and any subsequent revisions or amendments thereto.

The boundaries of the special flood hazard area and floodplain districts are established as shown on the flood insurance rate map which is declared to be a part of this chapter and which shall be kept on file at the Tazewell

County Building Safety office.

- (1) The floodway district is delineated, for purposes of this chapter, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in the above-referenced flood insurance study and shown on the accompanying flood insurance rate map.
  - (2) The special floodplain district shall be those areas identified as an AE zone on the maps accompanying the flood Insurance Study for which 100-year flood elevations have been provided.
  - (3) The approximated floodplain district shall be those areas identified as an A or A99 zone on the maps accompanying the flood insurance study. In these zones, no detailed flood profiles or elevations are provided, but the 100-year floodplain boundary has been approximated. For these areas, the 100-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the governing body.
- (b) *Overlay concept.*
- (1) The floodplain districts described above shall be overlays to districts as shown on any future official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
  - (2) If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
  - (3) In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. of 1-11-11(1), § 3.1)

#### Sec. 8-32. - District boundary changes.

The delineation of any of the floodplain districts may be revised by the Tazewell County Board of Supervisors where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

(Ord. of 1-11-11(1), § 3.3)

**Sec. 8-33. - Interpretation of district boundaries.**

Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain ordinance administrator (hereinafter referred to as the ordinance administrator or administrator). Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals, or if there being none, the board of supervisors shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

(Ord. of 1-11-11(1), § 3.4)

**Sec. 8-34. - Submitting technical data.**

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(Ord. of 1-11-11(1), § 3.5)

**Secs. 8-35—8-50. - Reserved.****ARTICLE IV. - DISTRICT PROVISIONS****Sec. 8-51. - Permit and application requirements.**

- (a) *Permit requirement.* All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a floodplain building permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Tazewell County Subdivision Ordinance. Prior to the issuance of any such permit, the administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- (b) *Site plans and permit applications.* All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
  - (1) The elevation of the base flood at the site.
  - (2) The elevation of the lowest floor (including basement).
  - (3) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.

- (4) Topographic information showing existing and proposed ground elevations.

(Ord. of 1-11-11(1), § 4.1)

#### Sec. 8-52. - General standards.

The following provisions shall apply to all permits:

- (1) New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions (1)—(8) above, in all special flood hazard areas, the additional provisions shall apply:

- (9) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administrator.
- (10) The flood-carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(Ord. of 1-11-11(1), § 4.2)

#### Sec. 8-53. - Specific standards.

In all special flood hazard areas where base flood elevations have been provided in the flood insurance study or generated according to section 8-56, the following provisions shall apply:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the base flood level of at least one (1) foot above the base flood level.
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or nonresidential building or manufactured home shall have the lowest floor, including basement, elevated to or above the base flood level of at least one (1) foot above the base flood level. Buildings located in all A1—30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one (1) foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation to which such structures are floodproofed, shall be maintained by the ordinance administrator.
- (3) *Elevated buildings.* Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
  - a. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
  - b. Be constructed entirely of flood-resistant materials below the regulatory flood protection elevation;
  - c. Include, in zones A, AO, AE, and A1—30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
    1. Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding.
    2. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
    3. If a building has more than one (1) enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
    4. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
    5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
    6. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(4) *Standards for manufactured homes and recreational vehicles.*

- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in subsection 8-52(1) and (2), and subsection 8-53(1).
- b. All recreational vehicles placed on sites must either:
  1. Be on the site for fewer than one hundred eighty (180) consecutive days;
  2. Be fully licensed and ready for highway use: A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions; or
  3. Meet all the requirements for manufactured homes in sections 8-52 and 8-53(4).

(Ord. of 1-11-11(1), § 4.3)

Sec. 8-54. - Standards for the floodway district.

The following provisions shall apply within the floodway district:

- (1) Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the ordinance administrator.  
Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies, with the ordinance administrator's endorsement, for a conditional flood insurance rate map and floodway revision, and receives the approval of the Federal Emergency Management Agency.
- (2) If section 8-56 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of article IV.
- (3) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

(Ord. of 1-11-11(1), § 4.4)

Sec. 8-55. - Standards for the special floodplain district.

The following provisions shall apply within the special floodplain district:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within the areas of special flood hazard, designated as zones A1—30 and AE on the flood insurance rate map, unless 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 (1) foot at any point on property not owned by the applicant.

Development activities in zones AI—30, AE, and AH, on the county's flood insurance rate map which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the applicant first applies, with the ordinance administrator's endorsement, for a conditional flood insurance rate map revision, and receives the approval of the Federal Emergency Management Agency.

(Ord. of 1-11-11(1), § 4.5)

#### Sec. 8-56. - Standards for approximated floodplain.

The following provisions shall apply with the approximate floodplain district:

The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted technical concepts, such as point on boundary, high water marks, or hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the ordinance administrator.

The ordinance administrator reserves the right to require hydrologic and hydraulic analyses for any development.

When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level. During the permitting process, the Ordinance Administrator shall obtain:

- (1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and
- (2) If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

(Ord. of 1-11-11(1), § 4.6)

#### Sec. 8-57. - Standards for subdivision proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

(Ord. of 1-11-11(1), § 4.7)

Secs. 8-58—8-70. - Reserved.

## ARTICLE V. - PERMIT PROCESS

Sec. 8-71. - Ordinance administrator review required.

No development or construction may be built in a flood district without a permit issued by the ordinance administrator or a certificate from the ordinance administrator that such development or construction does not come within the jurisdiction of this chapter. persons proposing development or construction in flood districts shall apply for a determination of applicability or a permit from the ordinance administrator.

(Ord. of 1-11-11(1), § 5.1)

Sec. 8-72. - Development or construction permitting.

Applications for permits shall be submitted to the building official's office who shall forward the same to the ordinance administrator. The ordinance administrator shall establish a form for applications. The board of supervisors may by resolution establish a reasonable fee for processing applications.

- (1) **Permit approval.** The ordinance administrator shall, within ten (10) days of submission of an application, (1) determine whether the proposed Development or Construction is within the jurisdiction of this chapter and (2) whether the proposed development or construction would be permitted by this chapter. The ten-day time limit for approval shall be tolled for any application that is incomplete, while such application is incomplete, or for any application where any particular request for additional information is outstanding, until such information is supplied by the applicant.
  - a. If development or construction as proposed is not within the jurisdiction of this chapter the ordinance administrator shall provide a certificate to the applicant advising that the structure is not within the jurisdiction of this chapter and advising the building inspector that such construction is not regulated by the ordinance.
  - b. If the proposed development or construction is within the jurisdiction of this chapter, the ordinance administrator shall, notify the applicant in writing and advise him that the application is either approved

or that it is not approved. If the application is denied the notice shall state the reasons for the denial.

- (2) Any notice given pursuant to this section shall advise the applicant of their right to request a variance from ordinance requirements or to appeal any decision of the ordinance administrator to the board of supervisors or zoning board and shall include the date, location and approximate time by which the application for variance or for an appeal must be submitted to the county administrator. Such notice to the applicant shall be in writing sent by certified mail to the address shown on the application. Failure to provide the applicant notice or any defect in notice shall be remedied by tolling the time in which the applicant may request a variance or an appeal until proper notice is given. If no notice is sent to the applicant within thirty (30) days of the date of the application, the applicant may consider the application denied and proceed with an appeal, should the applicant chose to do so.
- (3) The applicant shall have thirty (30) days from the date of the notice of denial to file a written request for an appeal or a variance with the county administrator. Failure to note the appeal within thirty (30) days shall forever bar the request for appeal or variance.

(Ord. of 1-11-11(1), § 5.2)

#### Sec. 8-73. - Appeal and variance process.

- (a) Upon receipt of a notice of appeal or variance from a decision of the ordinance administrator, the county administrator shall schedule a hearing before the board of supervisors or zoning board. Where the applicant requests a variance the administrator shall cause a notice of the application for variance to be mailed to all owners of property adjoining the property upon which applicant proposes development or construction not in conformity with the ordinance. Such notice shall be sufficient if mailed by first class U.S. mail to the address of the owner as shown in the commissioner of revenue or treasurer's office. The board of supervisors by resolution may establish a fee for the costs of issuing such notice to be paid by applicants for variances. Such fee shall be established annually.
- (b) The board of supervisors or zoning board shall hear the appeal or request for variance within a reasonable time. Should the Board not hear the appeal within six (6) months, the applicant may consider the appeal denied. A conditional variance granted to the applicant may be deemed a denial by the applicant. Notice of the board's decision shall be given to the applicant in the same manner as notice of denial was given to the applicant by the ordinance administrator.
- (c) The applicant may appeal the board's decision to the Circuit Court for the County of Tazewell, Virginia by filing a petition with said court within ninety (90) days of the date of the notice of the board's decision.

(Ord. of 1-11-11(1), § 5.3)

#### Secs. 8-74—8-90. - Reserved.

### ARTICLE VI. - APPEALS AND VARIANCES

#### Sec. 8-91. - Appeals.

Appeals are a claim that the decision of the ordinance administrator was in error. If an appeal is granted by the zoning board the ordinance administrator may appeal the decision of the zoning board to the Circuit Court of Tazewell County, Virginia, by filing a petition with said court within sixty (60) days of the notice of the board's decision.

(Ord. of 1-11-11(1), § 6.1)

#### Sec. 8-92. - Variances.

Variances are a request that the regulations contained in the ordinance not be applied to the applicant's proposed Development or Construction.

(Ord. of 1-11-11(1), § 6.2)

#### Secs. 8-93—8-100. - Reserved.

### ARTICLE VII. - FACTORS TO BE CONSIDERED

#### Sec. 8-101. - Factors to be considered.

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the board of zoning appeals or board of supervisors has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the board of zoning appeals or board of supervisors has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half ( $\frac{1}{2}$ ) acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half ( $\frac{1}{2}$ ) acre, the technical justification required for issuing a variance increases. Variances may be issued by the board of zoning appeals or board of supervisors for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the board of zoning appeals or board of supervisors shall satisfy all relevant factors and procedures specified in other sections of the County's ordinances and consider the following additional factors:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the 100-year flood elevation.

- (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The requirements of the facility for a waterfront location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- (12) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (13) Such other factors which are relevant to the purposes of this chapter.

The board of zoning appeals or board of supervisors may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the board of zoning appeals or board of supervisors has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the board of zoning appeals or board of supervisors has determined that the variance will be the minimum required to provide relief.

The board of zoning appeals or board of supervisors shall notify the applicant for a variance, in writing and signed by title of appropriate public official, that the issuance of a variance to construct a structure below the 100-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. of 1-11-11(1))

Secs. 8-102—8-110. - Reserved.

## ARTICLE VIII. - EXISTING STRUCTURES IN FLOODPLAIN AREAS

Sec. 8-111. - Existing structures in floodplain areas.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (1) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in an increase in the base flood elevation of more than one (1) foot.
- (2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
- (3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this chapter and shall require the entire structure to conform to the VA USBC.

(Ord. of 1-11-11(1))

Secs. 8-112—8-120. - Reserved.

## ARTICLE IX. - OTHER PERMITS NOT TO BE ISSUED

Sec. 8-121. - Other permits not to be issued.

The office of building safety, or such other agency as may be delegated responsibility for enforcement of the building code, shall not issue a permit for development or construction on property located in flood districts without a letter of authorization from the ordinance administrator. The county engineer's office or such other agency as may be delegated responsibility for enforcement of the county's erosion and sediment control laws, shall not issue a permit for development or construction on property located in flood districts without a letter of authorization from the ordinance administrator.

(Ord. of 1-11-11(1))

 An official website of the United States government**QuickFacts****Tazewell County, Virginia; Virginia**

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

**Table**

Income & Poverty	Tazewell County, Virginia	Virginia
Median household income (in 2020 dollars), 2016-2020	\$42,207	\$76,398
<b>PEOPLE</b>		
Income & Poverty		
Median household income (in 2020 dollars), 2016-2020	\$42,207	\$76,398
Per capita income in past 12 months (in 2020 dollars), 2016-2020	\$25,648	\$41,255
Persons in poverty, percent	16.4%	9.2%

[About datasets used in this table](#)**Value Notes**

 Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info  icon to row in TABLE view to learn about sampling error.

The vintage year (e.g., V2021) refers to the final year of the series (2020 thru 2021). Different vintage years of estimates are not comparable.

Users should exercise caution when comparing 2016-2020 ACS 5-year estimates to other ACS estimates. For more information, please visit the [2020 ACS Comparison Guidance](#) page.

**Fact Notes**

- (a) Includes persons reporting only one race
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data
- (b) Hispanics may be of any race, so also are included in applicable race categories

**Value Flags**

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper open ended distribution.
- F Fewer than 25 firms
- D Suppressed to avoid disclosure of confidential information
- N Data for this geographic area cannot be displayed because the number of sample cases is too small.
- FN Footnote on this item in place of data
- X Not applicable
- S Suppressed; does not meet publication standards
- NA Not available
- Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

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## Census Tract 202, Bluefield, Virginia

Census Tract 202 is a **Low-Income Community Opportunity Zone** located in **Bluefield, Virginia**.

This **17 square mile** census tract has a population of approximately **4,900** and is one of 2 Opportunity Zones in **Tazewell County**.

The adjacent map shows the location of this Opportunity Zone in Virginia.

- [Opportunity Zone Demographics](#)
- [Virginia OZ Funds](#)
- [List of Similar Opportunity Zones](#)

[View larger map](#) ↗

## Census Tract 202 Demographics

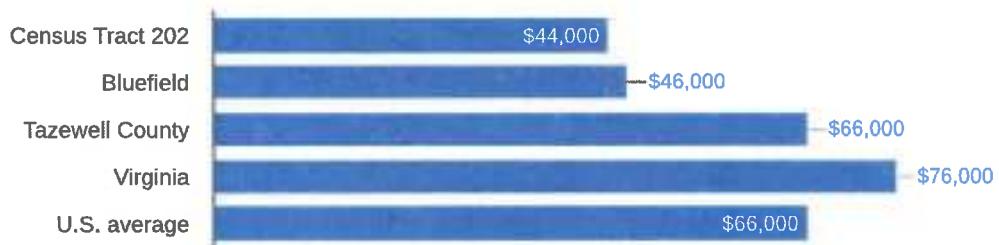
The charts below illustrate how this Opportunity Zone compares to the broader city, county, and state on various socioeconomic indicators:

Advertisement

### Median Household Income

**\$44K**

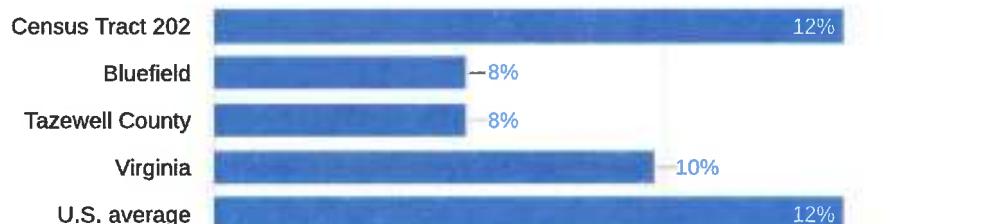
This Opportunity Zone has a **median household income** of approximately **\$44,000**, which is **42% lower** than the median household income for the state of Virginia of **\$76,000**.



## Poverty Rate

**12%**

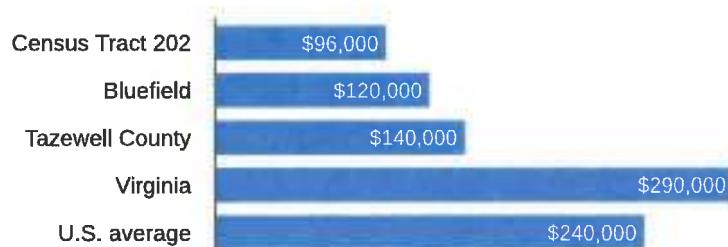
The percentage of households below the poverty line in this Opportunity Zone is **12%**, which is **2% higher** than the rate for the state of Virginia of **9.9%**.



## Median Home Value

**\$96K**

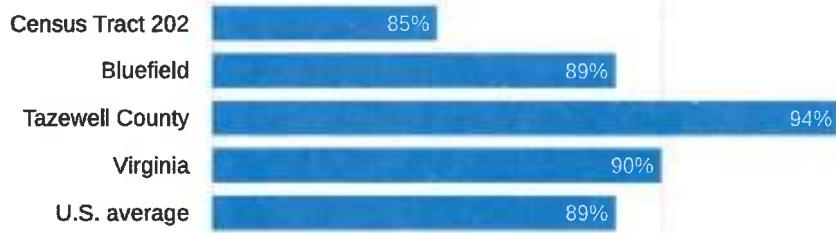
This Opportunity Zone has a **median home value** of approximately **\$96,000**, which is **67% lower** than the median home value for the state of Virginia of **\$290,000**.



## Education

**85%**

This Opportunity Zone has a **percentage of population with high school diploma** of approximately **85%**, which is **5% lower** than the rate for the state of Virginia of **90%**.



## Median Age

**49**

This Opportunity Zone has a **median age** of approximately **49**, which is **26% higher** than the median age for the state of Virginia of **39**.



## Virginia OZ Funds

There are **12 QOZ Funds** in the OpportunityDb database with an investment objective that specifically identify **Virginia** as a target market. Additional OZ funds may also invest in Virginia; see a complete list of Opportunity Zone Funds [here](#).

Fund Name	Asset Classes	Property Types	Fund Size
<a href="#">Accredited Capital</a>	<a href="#">Real Estate</a>	<a href="#">Multi-Family Housing</a> , <a href="#">Residential</a> , <a href="#">Single-Family</a> <a href="#">Housing</a>	\$25M

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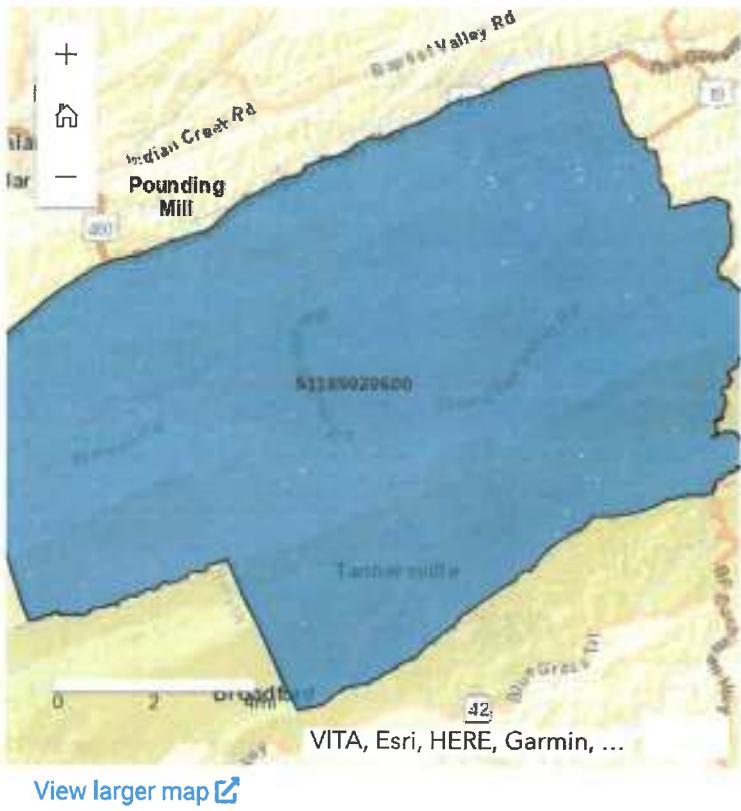
## Census Tract 206, Claypool Hill, Virginia

Census Tract 206 is a **Low-Income Community Opportunity Zone** located in **Claypool Hill, Virginia**.

This **120 square mile** census tract has a population of approximately **4,500** and is one of 2 Opportunity Zones in **Tazewell County**.

The adjacent map shows the location of this Opportunity Zone in Virginia.

- [Opportunity Zone Demographics](#)
- [Virginia OZ Funds](#)
- [List of Similar Opportunity Zones](#)

[View larger map](#)

## Census Tract 206 Demographics

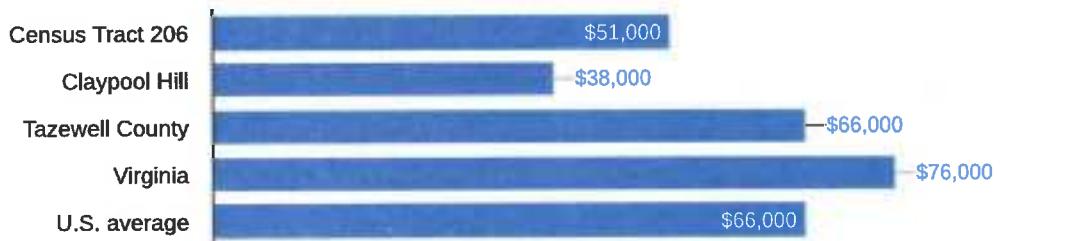
The charts below illustrate how this Opportunity Zone compares to the broader city, county, and state on various socioeconomic indicators:

Advertisement

### Median Household Income

\$51K

This Opportunity Zone has a **median household income** of approximately **\$51,000**, which is **33% lower** than the median household income for the state of Virginia of **\$76,000**.



## Poverty Rate

**12%**

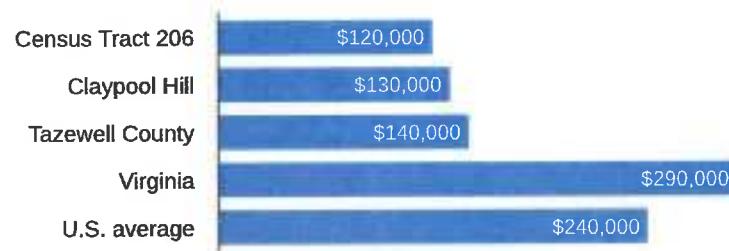
The percentage of households below the poverty line in this Opportunity Zone is **12%**, which is **2% higher** than the rate for the state of Virginia of **9.9%**.



## Median Home Value

**\$123K**

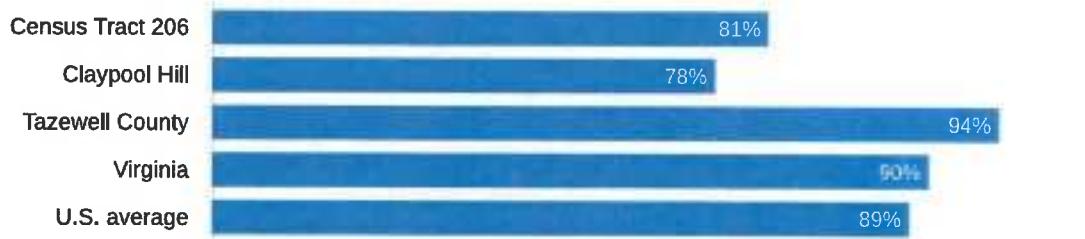
This Opportunity Zone has a **median home value** of approximately **\$120,000**, which is **59% lower** than the median home value for the state of Virginia of **\$290,000**.



## Education

**81%**

This Opportunity Zone has a **percentage of population with high school diploma** of approximately **81%**, which is **9% lower** than the rate for the state of Virginia of **90%**.



## Median Age

**41**

This Opportunity Zone has a **median age** of approximately **41**, which is **5% higher** than the median age for the state of Virginia of **39**.

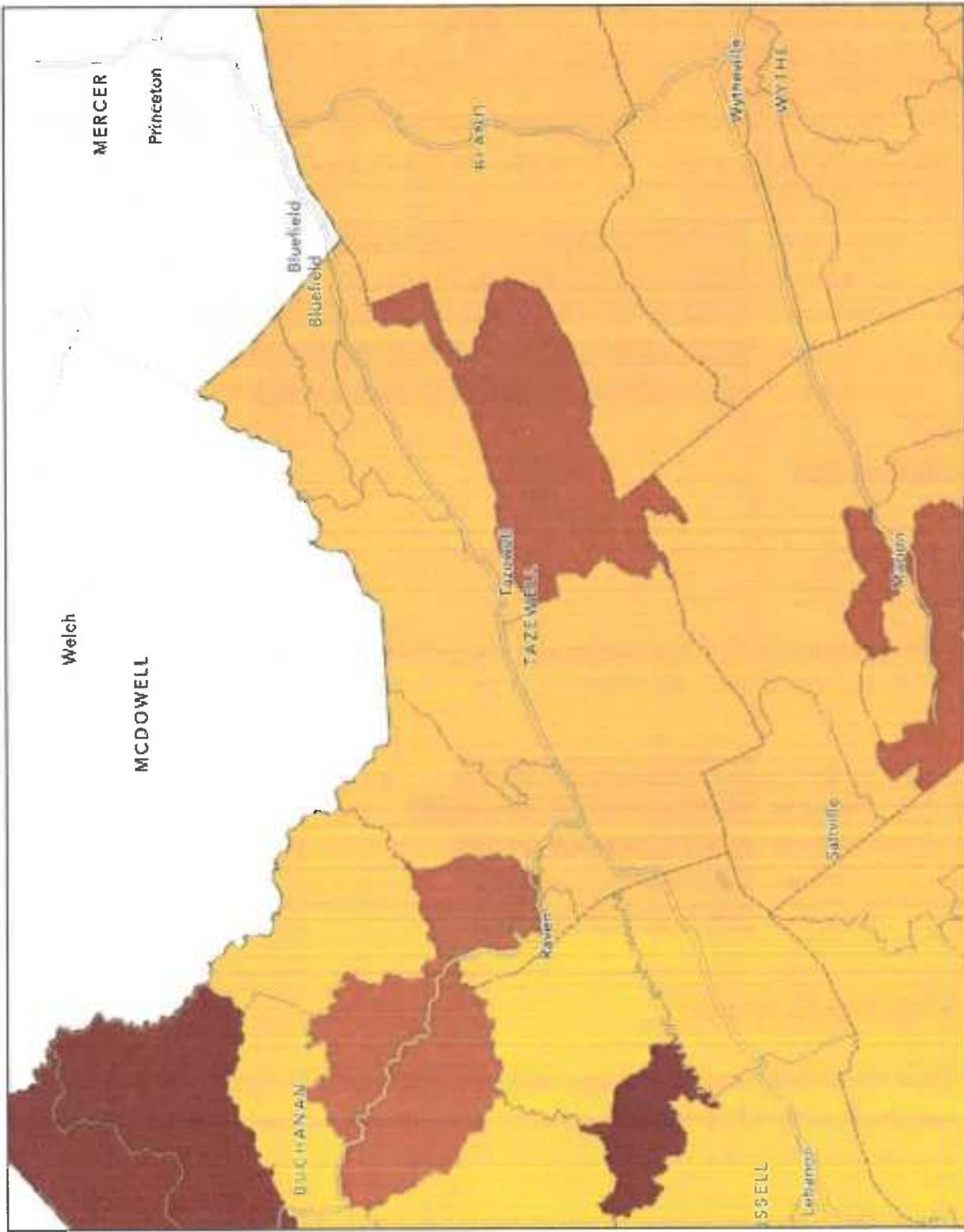


## Virginia OZ Funds

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Fund Name	Asset Classes	Property Types	Fund Size
<a href="#">Accredited Capital</a>	<a href="#">Real Estate</a>	<a href="#">Multi-Family Housing</a> , <a href="#">Residential Single-Family Housing</a>	\$25M

# Tazewell County Social Vulnerability Index



## Social Vulnerability Index Score

- Very Low Social Vulnerability
- Low Social Vulnerability
- Moderate Social Vulnerability
- High Social Vulnerability
- Very High Social Vulnerability
- Not included in the analysis

March 10, 2022

1:577,791  
0 3.5 5 7 10 14 mi  
0 5 10 20 km

Created from the Virginia Vulnerability Viewer

ADAPTVA

Center for  
Coastal  
Resources  
Management  
Virginia Institute of Marine Sciences

## **Appendix D: Scoring Criteria for Capacity Building & Planning**

Virginia Department of Conservation and Recreation  
Virginia Community Flood Preparedness Fund Grant Program

Applicant Name:		Tazewell County	
<b>Eligibility Information</b>			
Criterion	Description		Check One
<b>1. Is the applicant a local government (including counties, cities, towns, municipal corporations, authorities, districts, commissions, or political subdivisions created by the General Assembly or pursuant to the Constitution or laws of the Commonwealth, or any combination of these)?</b>			
Yes	Eligible for consideration		X
No	Not eligible for consideration		
<b>2. Does the local government have an approved resilience plan and has provided a copy or link to the plan with this application?</b>			
Yes	Eligible for consideration under all categories		
No	Eligible for consideration for studies, capacity building, and planning only		X
<b>3. If the applicant is not a town, city, or county, are letters of support from all affected local governments included in this application?</b>			
Yes	Eligible for consideration		X (n/a)
No	Not eligible for consideration		
<b>4. Has this or any portion of this project been included in any application or program previously funded by the Department?</b>			
Yes	Not eligible for consideration		
No	Eligible for consideration		X
<b>5. Has the applicant provided evidence of an ability to provide the required matching funds?</b>			
Yes	Eligible for consideration		X
No	Not eligible for consideration		
N/A	Match not required		

<b>Capacity Building and Planning Eligible for Consideration</b>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Applicant Name:</b>	Tazewell County	
<b>Scoring Information</b>		
<b>Criterion</b>	<b>Point Value</b>	<b>Points Awarded</b>
<b>6. Eligible Capacity Building and Planning Activities (Select all that apply)</b>		
Revisions to existing resilience plans and modifications to existing comprehensive and hazard mitigation plans.	55	
Development of a new resilience plan.	55	X 55
Resource assessments, planning, strategies and development.	45	X 45
Policy management and/or development.	40	X 40
Stakeholder engagement and strategies.	25	X 25
Goal planning, implementation and evaluation.	25	X 25
Long term maintenance strategy.	25	X 25
Other proposals that will significantly improve protection from flooding on a statewide or regional basis.	15	
<b>7. Is the area within the local government to which the grant is targeted socially vulnerable? (Based on ADAPT VA's Social Vulnerability Index Score.)</b>		
Very High Social Vulnerability (More than 1.5)	15	
High Social Vulnerability (1.0 to 1.5)	12	
Moderate Social Vulnerability (0.0 to 1.0)	8	X 8
Low Social Vulnerability (-1.0 to 0.0)	0	
Very Low Social Vulnerability (Less than -1.0)	0	
<b>8. Is the proposed activity part of an effort to join or remedy the community's probation or suspension from the NFIP?</b>		
Yes	10	
No	0	X 0
<b>9. Is the proposed project in a low-income geographic area as defined in this manual?</b>		
Yes	10	X 10
No	0	
<b>10. Does this project provide "community scale" benefits?</b>		
Yes	20	X 20
No		
<b>Total Points</b>	253	

## Appendix D: Checklist All Categories

Virginia Department of Conservation and Recreation

Community Flood Preparedness Fund Grant Program

Scope of Work Narrative		
Supporting Documentation	Included	
Detailed map of the project area(s) (Projects/Studies)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
FIRMette of the project area(s) (Projects/Studies)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Historic flood damage data and/or images (Projects/Studies)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
A link to or a copy of the current floodplain ordinance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Non-Fund financed maintenance and management plan for project extending a minimum of 5 years from project close	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
A link to or a copy of the current hazard mitigation plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
A link to or a copy of the current comprehensive plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Social vulnerability index score(s) for the project area from <a href="#">ADAPT VA's Virginia Vulnerability Viewer</a>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If applicant is not a town, city, or county, letters of support from affected communities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Completed Scoring Criteria Sheet in Appendix B, C, or D	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Budget Narrative		
Supporting Documentation	Included	
Authorization to request funding from the Fund from governing body or chief executive of the local government	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Signed pledge agreement from each contributing organization	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

April 7, 2022

Wendy Howard-Cooper  
Director for Dam Safety and Floodplain Management  
Department of Recreation and Conservation  
600 East Main Street, 24<sup>th</sup> Floor  
Richmond VA 23219

**Re: Pledge agreement for match of Tazewell County CFPF application**

Dear Ms. Howard-Cooper and Members of the Review Team:

Please accept this joint letter as a pledge agreement providing evidence of the matching contribution for Tazewell County's application to the Capacity Building and Planning (Low Income) category of the third grant round of the Community Flood Preparedness Fund.

The contributor:

**First Earth|2030, 3705 Saunders Ave, Richmond VA 23227, 703-447-9505**

The applicant organization:

**Tazewell County**

The title of the project for which the cash contribution is made:

**Capacity Building and Planning for Flood Resilience in Tazewell County**

The source of funding for the cash contribution:

**First Earth|2030's operational funds, held at Virginia National Bank**

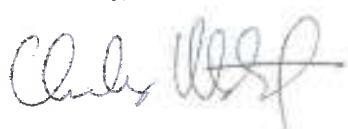
The dollar amount of the cash contribution:

**\$36,950**

With this letter, First Earth|2030 agrees that if the CFPF grant is awarded, First Earth|2030 will pay the cash contribution during the agreement period.

Thank you, and please contact either of us with questions. We look forward to working with DCR on this project.

Sincerely,



Charles Westbrook  
Principal, First Earth|2030



C. Eric Young, Esq.  
Tazewell County Administrator



CFPF, rr &lt;cfpf@dcr.virginia.gov&gt;

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## First Earth Application Attached

1 message

**Susan Jewell** <susan.jewell@tazewellcounty.org>

Fri, Apr 8, 2022 at 2:08 PM

To: cfpf@dcr.virginia.gov

Cc: charlie@firstearth.eco, andrea@firstearth.eco

--  
Susan Jewell, Executive Assistant  
Tazewell County Board of Supervisors

197 Main Street  
Tazewell, Virginia 24651  
276-385-1208  
[susan.jewell@tazewellcounty.org](mailto:susan.jewell@tazewellcounty.org)

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