

FLOOD PLAIN ORDINANCE
(last updated 1-10-2005)

AN ORDINANCE OF THE CITY OF STAR, IDAHO, ADOPTING THE FLOOD PLAIN REGULATIONS WITHIN THE CORPORATE LIMITS OF STAR; PROVIDING FOR STATEMENT OF PURPOSE, DEFINITIONS, AREAS OF SPECIAL FLOOD HAZARDS, LANDS TO WHICH THE ORDINANCE APPLIES, PROVIDING FOR ADMINISTRATION, PERMIT REQUIREMENTS, APPLICATION PROCEDURES, PROVISIONS FOR FLOOD HAZARD REDUCTION; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STAR, ADA COUNTY, IDAHO, as follows:

SECTION 1.0: STATUTORY AUTHORIZATION, FINDINGS OF FACT AND STATEMENT OF PURPOSE:

- A. **Statutory Authorization:** The Legislature of the State of Idaho has in Title 50, Chapter 8, Section 333, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Mayor and Council of the City hereby adopt the provisions set forth in this Ordinance.
- B. **Findings Of Fact:**
1. The flood hazard areas of Star, Idaho are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 2. Flood losses are caused by natural forces and by the cumulative effect of structures located in areas of special flood hazards which increase flood heights and velocities, and when such structures which are inadequately anchored, can damage property in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood losses.
- C. **Statement of Purpose:** It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
1. To protect human life and health;

2. To minimize expenditures of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Areas of Special Flood Hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an Area of Special Flood Hazard; and
8. To ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions.

SECTION 2.0: METHODS OF ACCOMPLISHING PURPOSE: In order to accomplish its purposes, this Ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

SECTION 3.0: INTERPRETATION AND APPLICATION OF PROVISIONS:

- A. Jurisdiction and Interpretation: This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City. In the interpretation and application of this Ordinance, all provisions shall be:
 1. Considered as minimum requirements;
 2. Liberally construed in favor of the City; and,

3. Deemed neither to limit nor repeal any other powers granted under provisions of the Idaho Code.

B. **Conflicting Laws:** This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Ordinance and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 4.0: COMPLIANCE WITH PROVISIONS: No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Ordinance and other applicable regulations.

SECTION 5.0: RULES AND DEFINITIONS: Unless specifically defined below, terms or phrases used in this Ordinance shall be interpreted so as to give them the meanings they have in common usage and to give this Ordinance its most reasonable application. As used in this Ordinance, the following words and terms shall have the meanings ascribed to them in this Section:

ALLOWABLE BELOW-GRADE CRAWLSPACES	A crawlspace permitted with interior grades up to two (2) feet below the lowest adjacent exterior grade provided that other requirements are met. (see figure #3 of the FEMA Technical Bulletin 11-01)
APPEAL:	A request for a review of the Zoning Administrator's interpretation of any provision of this Ordinance.
AREA OF SHALLOW FLOODING (ASF):	A designated AO or AH zone in the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet (1'-3') where a clearly defined channel does not exist; where the path of flooding is unpredictable and where indeterminate and velocity flow may be evident.
AREA OF SPECIAL FLOOD HAZARD (ASFH):	The land in the floodplain subject to one percent (1%) or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. These areas are also referred to as the floodplain.
BASE FLOOD:	A flood having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the "100 year flood." Designation on maps always includes the letters A or V.
BASE FLOOD	The elevation in feet in relation to mean sea level as

ELEVATION:	determined by the Federal Emergency Management Agency to which floodwater can be expected to rise during a base flood.
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 drill operations located within the area of special flood hazard.
FLOOD or FLOODING:	A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; and/or the unusual and rapid accumulation or run-off of surface waters from any source.
FLOOD INSURANCE RATE MAP (FIRM):	The official map as is now or as may hereinafter be adopted on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. Said map is on file in the office of the City and is hereby referred to, adopted and made a part of this Ordinance as if set forth in full herein.
FLOOD INSURANCE STUDY (FIS):	The official report as is now or as may hereafter be adopted in which the Federal Insurance Administration has provided flood profiles, the Flood Boundary, Floodway Maps and the water surface elevation of the base flood. Said report is on file in the office of the City and is hereby referred to, adopted and made a part of this Ordinance as if set forth in full herein.
FLOODPROOFING:	Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate potential flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
FLOODWAY (FW):	The Channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

LETTER OF MAP AMENDMENT (LOMA):	A letter issued by the Federal Emergency Management Agency exempting a specific structure site from the Flood Insurance requirements. The site is exempted by virtue of its being elevated above the 100-year flood elevation.
LEVEE:	A levee is a continuous dike or ridge, constructed of earth or other materials that confine floodwaters (excluding landfill).
LOWEST FINISHED FLOOR	The lowest occupy able floor.
LOWEST FLOOR:	The lowest floor of the lowest enclosed area (including basement but excluding allowable below grade crawlspaces). 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 non-elevation design requirements of this Ordinance.
MANUFACTURED HOME:	A structure, transportable in one 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 flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
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:	Structures for which the "start of construction" commenced on or after the effective date hereof.
NON- RESIDENTIAL STRUCTURE:	A building other than a residential structure. The term includes but is not limited to: buildings used for places of assembly, education, child care, business, maintenance, storage, manufacturing, government, hospitals, sanitariums and nursing homes.
RESIDENTIAL	A building used as a dwelling for one or more persons.

STRUCTURE: The term includes, but is not limited to houses, mobile homes, apartment buildings, lodging homes, dormitories, (and the guest or patient rooms of), hotels, and motels. The term also includes accessory use areas used in conjunction with and forming an integral part of a residential structure.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure or 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 foundation 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.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- A. Before the improvement or repair is started, or
- B. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure. The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

- B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE: A grant of relief from the requirements of this Ordinance, which permits construction of a manner that would otherwise be prohibited by this Ordinance.

SECTION 6.0: FLOOD INSURANCE STUDY: The areas of special flood hazard identified by the United States, Federal Insurance Administration, in a scientific and engineering report entitled “The Flood Insurance Study for Ada County, Idaho”, dated 9/22/99, and any subsequent revisions with accompanying Flood Insurance Maps of Ada County are hereby adopted by the City of Star by reference and declared to be a part of this Ordinance. A copy of the flood insurance study shall be maintained on file at the Star City Hall.

SECTION 7.0: DEVELOPMENT PERMIT REQUIREMENTS:

- A. Permit Required: A development permit shall be obtained and approved before a building permit is issued for construction or development within any area of special flood hazard established in Section 6.0 of this Ordinance. The permit shall be for all structures, including manufactured homes, and for all other development including fill and other activities, as each are defined in Section 5.0 of this Ordinance. A development permit shall be required for any development that could possibly increase or alter the flood hazard.
- B. Application For Permit: Application for a development permit shall be made on forms furnished by the Zoning Administrator and shall include the following:
 - 1. Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question.
 - 2. Existing and proposed structures, fill, storage of materials, drainage facilities and their location.
 - 3. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
 - 4. Elevation in relation to mean sea level to which any structure has been flood-proofed.
 - 5. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure have met the flood-proofing criteria in subsection 8.5B of this Ordinance.

6. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 7. Any additional information required by the Zoning Administrator.
 8. Prior to issuance of a certificate of occupancy permit a post-construction elevation certificate, certified by a registered professional engineer or architect, must be received documenting the elevation of the first floor or elevation of flood-proofing in relation to mean sea level.
- C. Review: Upon receipt of a complete development permit application, the Zoning Administrator shall review the application and grant or deny the requested development permit, in accordance with the provisions of subsection 9.A1 of this Ordinance.
- D. Notice To Applicant, Issuance Of Permit: After rendering a decision, the Zoning Administrator shall return one copy of the application and decision, together with those items required by subsection B of this Section, to the applicant, after having marked such copy either as approved or disapproved and attested to the same by signing such copy. The Zoning Administrator shall retain one copy of the complete application and decision, similarly marked. The Zoning Administrator shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.
- E. Appeals: Any person aggrieved by a decision of the Zoning Administrator in the grant or denial of a development permit may appeal such decision to the City Council, by filing a notice of appeal stating the nature of the appeal with the City Clerk, within thirty (30) days of the return of the Zoning Administrator's decision to the applicant. The City Council, within thirty (30) days of the receipt of a notice of appeal, shall schedule and hold a public hearing in accordance with the hearing provisions of 67-6509, Idaho Code, to further consider the application. Following the public hearing, the City Council shall, within thirty (30) days of the hearing affirm, affirm with modification or reverse the decision of the Zoning Administrator. The decision of the City Council shall be in writing and accompanied by a statement in the form of findings of fact and conclusions of law that explain the criteria and standards considered relevant, state the facts relied upon, and explain the justification for the decision based upon the criteria, standards, and facts as set forth. In accordance with the provisions of section 67-5215, Idaho Code, a person aggrieved by a decision of the City Council in its grant or denial of a development permit may appeal the City Council's decision to the District Court.
- F. Expiration and Revocation of Development Permit: If the work described in the development permit has not begun within one year from the date of issuance thereof, said permit shall expire and shall be revoked by the Zoning Administrator and written notice thereof shall be given to the persons affected.

SECTION 8.0: FLOOD DAMAGE REDUCTION PROVISIONS: In all areas of special flood hazards the standards as set forth in this Section shall be required.

SECTION 8.1: GENERAL BUILDING REQUIREMENTS:

- A. Review Of Building Permits: Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, and any other relevant factors, where applicable. Failure to elevate lowest finished floor at least two (2) feet above BFE in these zones may result in higher insurance rates.
- B. Construction Materials And Methods: All new construction and substantial improvements, including those that have portions of the building below the BFE, shall be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also all joints, insulation or other materials that extend below the BFE.
- C. All building utility systems, including electrical, heating, ventilation, plumbing, air conditioning, ductwork and other service facilities shall be elevated above the BFE or otherwise protected so that floodwaters cannot enter or accumulate within the system components during flood stage.
- D. Crawlspace:
 - 1. The interior grade of a crawlspace below the BFE shall not be more than two (2) feet below the lowest adjacent exterior grade.
 - 2. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall shall not exceed four (4) feet at any point.
 - 3. An adequate drainage system that removes floodwaters from the interior area of the crawlspace, within a reasonable time after a flood event shall be required for all homes with a below grade crawlspace. The design of the drainage plan shall be approved by the City engineer prior to the issuance of a building permit.
 - 4. The velocity of floodwaters at the building site shall not exceed five (5) feet per second for any crawlspace.
 - 5. Below-grade crawlspace construction in accordance with the requirements listed above shall not be considered basements.
 - 6. Applicants building below grade crawlspaces within the floodplain shall be notified that flood insurance premiums will not be able to be determined by agents using the NFIP Flood Insurance Manual. They must submit for a

special rating under the “Submit to Rate Process” by an underwriter familiar with below grade crawlspace construction.

SECTION 8.2: ANCHORING:

- A. All new construction, including buildings designed with sub-grade crawlspaces, and substantial improvements shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors, (reference FEMA`s "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

SECTION 8.3: WATER AND SEWER SYSTEMS:

- A. All new and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and/or discharge from the systems into flood waters.
- B. All sewer and water systems shall be approved by District Health Department or the Idaho Department of Health and Welfare.

SECTION 8.4: SUBDIVISIONS AND DEVELOPMENT:

- A. Subdivision and development proposals shall be consistent with the need to minimize flood damage;
- B. Subdivision and development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. Subdivision and development proposals shall have adequate drainage provided to reduce exposure to flood damage;
- D. Subdivision and development proposals shall include easements and design features adequate for river maintenance vehicles and equipment, emergency vehicles, and sportsman and recreation access or egress; and
- E. Base flood elevation data shall be provided for subdivision and development proposals located within any area of special flood hazard.

SECTION 8.5: SPECIFIC STANDARDS: In all cases of special flood hazards where base flood elevation data has been provided as set forth in Section 6.0 of this Ordinance, the provisions of this Section shall be required:

A. Residential Construction:

1. Connection to a central sewage treatment system shall be required. Residential development within the floodplain may be clustered (through approval of a PUD) to facilitate the economics of the sewage infrastructure.
2. New construction and substantial improvement of any residential structure shall have the lowest finished floor elevation, excluding approved below grade crawlspaces, elevated to a minimum of two (2) feet above the base flood elevation.
3. Fully enclosed areas, other than allowable below grade crawlspaces, which below the lowest finished floor are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot (1') above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest finished floor elevation, excluding approved below grade crawlspaces, elevated two (2) feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed excluding approved below grade crawlspaces to a point two (2) feet above the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in section 9.A of this Ordinance.
 4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in subsection A of this Section.
 5. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).
- C. **Manufactured Homes:** All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the finish floor elevation of the lowest floor of the manufactured home is two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of section 8.2B of this Ordinance.
- D. **Floodways:** Located within areas of special flood hazard established in Section 6 of this Ordinance, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectile and erosion potential, the following provisions apply:
1. Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood.
 2. If subsection D1 of this Section is satisfied, development within the floodway shall comply with all applicable flood hazard reduction provisions of this Section 8.0.
 3. The placement of any mobile homes, as defined in Section 1-2 of the Zoning Ordinance, is prohibited.
 4. All buildings shall be set back a minimum of fifty feet (50') from the floodway line except that when the area of special flood hazard boundary is fifty feet (50') or less from the floodway line, the boundary line shall be the setback line.

5. Where setback from the floodway line is less than one hundred feet (100') but more than fifty feet (50'), compensating measures shall be designed to protect a fifty-foot (50') wide access strip for emergency construction equipment. Compensating measures shall be constructed as designed and certified by a professional engineer.
6. Compensating excavation in accordance with an engineered plan for orderly conveyance of floodwater, or equivalent mitigating measures may be performed in the floodway when certified by a registered professional engineer or architect. Mitigation design shall include provisions to prevent relocation or diversion of flow paths from causing increased jeopardy to any off-site property at any level of flooding from the one-year flood up to the base flood. Provisions shall be made to maintain excavated areas prone to fill from sediment and other debris as follows:
 - a. A plan and schedule for the future maintenance of the floodway for the period of the expected lifetime thereof and a cost estimate therefore prepared by a licensed professional engineer in the State, together with a proposed method for funding the same including but not limited to the creation and maintenance of a reserve fund for that purpose, shall be submitted to the City Council for review and approval prior to the execution of the final plat by the City.
 - b. The location of the floodway to be maintained shall be clearly depicted on the face of the final plat. Notes shall be included on the face of the plat which shall act to convey to each lot owner within the subdivision a perpetual easement for the floodway that shall run with the land.
 - c. A restrictive covenant for maintenance of the floodway shall be recorded at the time of recording the plat which said covenant shall create a homeowner's / property owner's association or substantially similar entity and make provision for the perpetual maintenance of the floodway. Said restrictive covenant shall also provide that the covenant shall run with the land and that said covenant cannot be modified or the homeowner's / property owner's association or other entity cannot be dissolved without the express consent of the City.
 - d. The City Council may, in the reasonable exercise of its discretion, order the owners or the entity responsible for the maintenance of the floodway to undertake such maintenance activities as it may determine is necessary to protect the public health, safety and welfare and make such expenditures from the funds reserved therefore as may be required thereby; and the owner or responsible entity shall, as a condition of approval of floodway excavation, be deemed to have agreed to comply with any such order and to

reimburse the City all its costs, including attorney fees, incurred in obtaining or enforcing any such order. A court of competent jurisdiction may enforce any order entered by the City Council pursuant to this subsection and the City shall be entitled to recover its costs and attorney fees incurred in connection therewith.

7. Any non-floodway area surrounded by the floodway shall be subject to the conditions of subsection D1 through D6 of this Section, unless such area is accessed by at least one road with suitable structures or culverts to pass flood waters. If a bridge is required, it shall be elevated one foot (1') above the base flood elevation, have scour-resistant footings extending to five feet (5') below the bottom of the channel and be capable of supporting an H-15 load as defined by the American Association of State Highway and Transportation Officials (AASHTO).
 8. Where compensating excavation creates a detached storage impoundment, said impoundment shall be capable of attaining maximum storage volume within 48 hours from the onset of the base flood event.
 9. Areas utilized for storage of base flood volumes shall be connected by easements from the floodway to the storage area providing for the protection and maintenance of the natural channel or structure employed for the purpose of filling the storage area.
- E. Map And Narrative Required: All subdivision proposals and development permit applications shall provide a map and detailed narrative describing any abutting or on-site manmade topographic features, current or proposed, that increase flood damage potential above the natural level, including road fills and other manmade embankments, prior stream channelization, existing and/or proposed landscaping features, and evident agricultural land leveling that has altered the floodplain from its original topography.
- F. Fill Requirements: Development in all zones except the Central Business District zone shall comply with the following standards for fill placed in the floodplain:
1. The slope of fill adjacent to the floodway line, hereinafter called the floodway boundary slope, shall not be steeper than five (5) horizontal to one vertical. Where a five to one (5:1) slope is not feasible due to lot dimensions, compensating measures to protect against floodway encroachment through erosion shall be constructed as designed and certified by a professional engineer, architect, or landscape architect.
 2. The floodway boundary slope shall be maintained in groomed perennial turf or equivalent low ground-cover vegetation not taller than twelve inches (12") to provide protection from erosion. Porous stonework or other durable surfacing may be used in lieu of ground-cover vegetation for design enhancement on floodway boundary slopes.

3. Elevation certificates or equivalent documentation required by the Building Official shall be required for all buildings or development in such filled zones, regardless of any subsequent LOMA, Letter of Map Amendment or LOMR, Letter of Map Revision issued by the FEMA, Federal Emergency Management Administration.
- G. Roadways and Manholes: Roadways and manholes within the floodplain shall be a minimum of one-half foot (0.5') above base flood elevation at center line and manhole ring respectively.
 - H. Flow Paths And Natural Storage Areas Maintained: New roads built above the base flood elevation shall not restrict conveyance of flood water into sections of the floodplain that may be cut off by the proposed road. Culverts or bridges shall be provided under roads to maintain existing natural storage areas in the watershed to reduce flood damage.
 - I. Open Areas: Except for required berms, open areas such as parks, golf courses, greenbelt areas, parking lots, etc., within the area of special flood hazard shall be designed and operated so that they may flood and maintain existing natural storage capacity for waters during the base flood event. Levees or berms shall not be used for flood control.
 - J. Approval Of Plans: Plans for development within the floodplain showing construction and post construction Best Management Practices (BMP's) conforming to the Catalog of Storm Water Best Management Practices for Idaho Cities and Counties shall be submitted for approval before any grading or other construction activities commence.
 - K. Flood Study: When the developer provides a new flood study:
 1. The study shall be performed using the U.S. Army Corps of Engineers Hydrologic Engineering Center's HEC-2, HEC-RAS (River Analysis System), or equivalent programs to calculate water surface elevations.
 2. The study report shall include field survey data and relevant benchmarks used as basis of calculations as cross sections, stream profile and plan showing cross section locations.
 3. The study report shall attach HEC-2, HEC-RAS, or equivalent input and output reports as appendix.
 4. Any floodway or floodplain modification shall not be effective until approved by FEMA.
 5. The study shall include a reach of stream extending beyond the property boundaries of the development upstream and downstream not less than

twice the average width of floodway on or adjacent to the development property, or as approved by the Zoning Administrator.

SECTION 8.6: APPLICABILITY:

- A. The requirements of subsections 8.5A through C of this Ordinance, that the lowest finished floor, excluding approved below grade crawlspaces, be at a minimum of two (2) feet above base flood elevation and the correlating modifications for flood-proofing of nonresidential structures shall become effective upon passage for all new building permits for new construction or substantial improvement.
- B. The requirements of this Section 8.0, in effect at the time of receipt by the City of a preliminary plat application shall apply for subsequent development of those lots.
- C. All other provisions of this Section 8.0 shall apply to any development application received subsequent to the effective date.

SECTION 9.0: DUTIES OF THE ZONING ADMINISTRATOR:

- A. The Zoning Administrator may delegate to the Building Inspector any of its duties under this Section. The duties of the Zoning Administrator, or of the Building Inspector if designated by the Zoning Administrator, shall include, but not be limited to:
 - 1. Permit Review:
 - a. Review of all development permit applications to determine that the permit requirements of this Ordinance have been satisfied.
 - b. Review of all development permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - c. Review of development permit applications to determine if the proposed development is located in the floodway. If located in the floodway (defined as the channel and adjacent 100-year floodplain), assure that the encroachment provisions of subsection 8.5D of this Ordinance are met.
 - 2. Alteration Of Watercourses:
 - a. Notify adjacent communities and the Idaho Department of Water Resources prior to any alteration or relocation of a watercourse and

submit evidence of such notification to the Federal Emergency Management Agency.

- b. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
3. Interpretation of FIRM Boundaries: Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 7.E of this Ordinance.
 4. Information To Be Obtained And Maintained:
 - a. When base flood elevation data has not been provided, obtain, review, and reasonably utilize any base flood elevation and flooding data available from a Federal, State or other source, in order to administer Section 8.5 of this Ordinance.
 - b. Where base flood elevation data is provided through the Flood Insurance Study, or required as in the preceding subsection, obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - c. For all new or substantially improved flood-proofed structures:
 - (1) Verify and record the actual elevation (in relation to mean sea level).
 - (2) Maintain the flood-proofing certifications required in subsection 8.5B3 of this Ordinance.
 - (3) Maintain for public inspection all records pertaining to the provisions of this Ordinance.

SECTION 10.0: VARIANCES:

A. Application For Variance:

A variance from the terms of this Ordinance shall not be considered until a written application for a variance containing the data required by section 9.4.2-9.4.4 of the Zoning Ordinance and a narrative statement, demonstrating the requested

variance has mitigated items contained in subsection B of this Section, is filed with the Zoning Administrator for submission to the City Council.

B. Procedure For Approval Of Variance:

1. Upon receipt of a complete variance application from the Zoning Administrator, the City Council shall follow the notice and hearing procedures outlined in section 9.4.2 of the Zoning Ordinance.
2. The Zoning Administrator may recommend to the City Council that the City Council approve, disapprove, or approve conditionally a requested variance. After receipt of the Administrator's recommendation and compliance with section 9.4.2 of the Zoning Ordinance, the City Council may approve, disapprove or approve conditionally, by attaching such conditions to the granting of a variance as is deemed necessary to further the purposes of this Ordinance, a requested variance. In making a decision, the City Council shall consider all technical evaluations and all relevant factors and standards specified in other sections of this Ordinance and:
 - a. The danger that materials may be swept onto other land to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its content to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed uses which are not subject to flooding and erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the Comprehensive Plan and the floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

- j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

C. Standards and Conditions of Variance:

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items contained in subsection 7.C of this Ordinance have been fully considered. As the lot size increases beyond the one-half (1/2) acre size, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variances would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in items contained in subsection 7.C of this Ordinance, or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the

structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and otherwise complies with the general standards.
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be:
 - 1.) Permitted to be built with a lowest floor elevation below the base flood elevation and,
 - 2.) The cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

D. Records And Reports: The Zoning Administrator shall maintain the records of all variances and report any variances to the United States Department of Housing and Urban Development, Federal Insurance Administration upon request.

SECTION 11.0: SCHEDULE OF FEES, CHARGES AND EXPENSES: The City Council, by Resolution 2000-12, established a schedule of fees, charges and expenses and a collection procedure for development permits, amendments, appeals, variances, plan approvals and other matters pertaining to the administration and enforcement of this Ordinance requiring investigation, inspection, legal advertising, postage and other expenses. The schedule of fees is posted in City Hall and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 12.0: DISCLAIMER OF LIABILITY: The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City, any officer or employee thereof, or the United States Department of Housing and Urban Development, Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 12.1 SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provisions of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this ordinance.

SECTION 13.0: VIOLATIONS AND PENALTIES:

- A. Failure To Obtain A Development Permit: Failure to obtain a development permit shall be a violation of this Ordinance.
- B. Failure To Comply With Permit: Development permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use and arrangement set forth in such approved plans and applications, or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this Ordinance.
- C. Complaints Regarding Violations: Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. The Zoning Administrator shall properly record such complaint, immediately investigate and take action thereon as provided by this Ordinance.
- D. Penalties: The provisions of this Ordinance shall be enforceable, and any violation hereof shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding three hundred dollars (\$300.00) or by both such fine and imprisonment.

SECTION 14.0: PUBLICATION: That this Ordinance, or summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

Approved and amended: ORD 65, 71, 76, 91, 99,116