

ELMORE COUNTY FLOOD DAMAGE PREVENTION ORDINANCE

ORDINANCE NO. 95-1

AN ORDINANCE REGULATING AND RESTRICTING USE AND MAN-MADE CHANGES IN FLOOD PRONE AREAS OF ELMORE COUNTY AS DESIGNATED IN "THE FLOOD INSURANCE STUDY FOR ELMORE COUNTY, IDAHO, UNINCORPORATED AREAS" DATED JUNE 17, 1988, AND ACCOMPANYING FLOOD INSURANCE MAPS; PROVIDING STATUTORY AUTHORIZATION, PURPOSE, AND OBJECTIVES; PROVIDING FOR DEFINITIONS; DESIGNATING LANDS TO WHICH THIS ORDINANCE APPLIES; PROVIDING A BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD; PROVIDING FOR DEVELOPMENT PERMITS; PROVIDING FOR A LOCAL FLOOD PLAIN ADMINISTRATOR; PROVIDING FOR REVIEW OF ALL DEVELOPMENT PERMITS; PROVIDING FOR THE USE OF SUPPLEMENTARY ABASE FLOOD DATA; PROVIDING FOR THE RECORDING OF FLOOR ELEVATIONS; REQUIRING DESIGNATED STRUCTURES TO BE ANCHORED; DESIGNATING CONSTRUCTION MATERIALS AND METHODS; SETTING STANDARDS FOR UTILITY INSTALLATION; PROVIDING FOR THE CONSIDERATION OF SUBDIVISION PROPOSALS; PROVIDING FOR THE REVIEW OF BUILDING PERMITS; ESTABLISHING SPECIFIC STANDARDS FOR RESIDENTIAL CONSTRUCTION, NONRESIDENTIAL CONSTRUCTION, AND MANUFACTURED HOMES; PROVIDING FOR REGULATION OF FLOODWAYS; PROVIDING FOR AN APPEALS PROCESS; PROVIDING FOR ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO:

SECTION 1.0

STATUTORY AUTHORIZATION, PURPOSE, AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Idaho has in Title 67, Chapter 65 of the Idaho Code, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

1.2 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 expenditure of public money and 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

DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- 2.1 "AREA OF SPECIAL FLOOD HAZARD" means the land in the flood plain within a community subject to a one percent or greater

chance of flooding in any given year. Designation on maps always includes the letters "A" or "V".

- 2.2 "BASE FLOOD" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters "A" or "V".
- 2.3 "DEVELOPMENT" means any man-made 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 located within the area of special flood hazard.
- 2.4 "FLOOD" or "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters and/or
 - (2) The unusual and rapid accumulation of runoff of surface waters from any source.
- 2.5 "FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- 2.6 "FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- 2.7 "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- 2.8 "LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance found at Section 5.2-1(2).
- 2.9 "MANUFACTURED HOME" means 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" does not include park trailers, travel trailers, and other similar vehicles.

- 2.10 "NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
- 2.11 "START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or 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.
- 2.12 "STRUCTURE" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- 2.13 "SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- (1) Before the improvement or repair is started, or
 - (2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SECTION 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Elmore County, Idaho.

3.2 BASIS FOR ESTABLISHING THE AREA OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering

report entitled "The Flood Insurance Study for Elmore County, Idaho, Unincorporated Areas", dated [March 15, 1994] with accompanying Flood Insurance Maps [and any other subsequent revisions] is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Elmore County Planning and Zoning Office located in the Elmore County Courthouse Annex Building at 190 South 4th East Street, Mountain Home, Idaho, 83647.

SECTION 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

4.1-1 Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".

4.2 DESIGNATION OF THE LOCAL FLOOD PLAIN ADMINISTRATOR

The Elmore County Planning and Zoning Administrator is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL FLOOD PLAIN ADMINISTRATOR

Duties of the Local Flood Plain Administrator shall include but not be limited to:

4.3-1 Permit Review

- (1) Review all development permits to determine that the permit requirements of this Ordinance have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the Floodway, assure that the encroachment provisions of Section 5.3(1) are met.

4.3-2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD", the Local Flood Plain Administrator obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2, "SPECIFIC STANDARDS" and 5.3 "FLOODWAYS".

4.3-3 Information to be Obtained and Maintained

- (1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.3-2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
 - (i) verify and record the actual elevation (in relation to mean sea level), and
 - (ii) maintain the floodproofing certifications required in Section 4.1(3).
- (3) Maintain for public inspection all records pertaining to the provisions of the Ordinance.

4.3-4 Alteration of Watercourses

- (1) 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 Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 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). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 50-76).

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

5.1-1 Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) 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).

5.1-2 Construction of Materials and Methods

- (1) All new Construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

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

5.1-4 Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5.1-5 Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 4.3-2), 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, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD" or Section 4.3-2, "Use of Other Base Flood Data", the following provisions are required:

5.2-1 Residential Construction

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- (2) Fully enclosed areas below the lowest floor that 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 floodwaters. 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:

- (i) a minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (ii) the bottom of all openings shall be no higher than one foot above grade;
- (iii) openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5.2-2 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed so that below the base flood level 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;
- (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 4.3-3(2);
- (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2-1(2);
- (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level

(e.g., a building constructed to the base flood level will be rated as one foot below that level).

5.2-3 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 lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 5.1-1(2).

5.3 **FLOODWAYS**

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) *Prohibit encroachments, including fill, new construction, substantial improvements, and other development 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 discharge.*
- (2) *If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.]*

5.3.[1] ENCROACHMENTS

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the flood base more than one foot at any point.

SECTION 6.0

APPEALS

6.1 APPEALS

Any person or firm affected by the final decision of the Local Flood Plain Administrator may appeal his decision to the Planning and Zoning Commission. All appeals must be filed in writing with the Commission within ten (10) days of any decision. The Planning and Zoning Commission will hear all elements of the appeal and shall make their decision to

uphold or alter the decision of the Local Flood Plain Administrator. If the decision is to uphold, then the aggrieved person may file a written appeal to the Board of County Commissioners within ten (10) days, stating the reasons and the grounds for the appeal. The County Commissioners, after hearing all sides, may uphold or alter the decision of the Local Flood Plain Administrator. Their decision shall be in writing with the reasons listed. A copy shall be filed with the Planning and Zoning Commission and the Local Flood Plain Administrator.

SECTION 7.0

ENFORCEMENT

7.1 ENFORCEMENT

The Local Flood Plain Administrator is the person designated to enforce the regulations of this Ordinance. If violations occur, the Local Flood Plain Administrator may "red-tag" the development and stop construction until the violation is corrected or proper permits obtained. The one in violation shall be notified immediately and agreements obtained to correct said violation. Refusal to correct or comply will result in the cancellation of any permit issued. Continued violation of the provisions of this Ordinance, or failure to comply with its requirements, shall constitute a misdemeanor, punishable by a fine of up to One Thousand Dollars (\$1,000.00) or six (6) months in jail or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense.

SECTION 8.0

EFFECTIVE DATE

8.1 EFFECTIVE DATE

This Ordinance shall be in full force and effect upon publication following passage and approval.

Regularly passed and adopted by the Board of County Commissioners of Elmore County, Idaho, on this 27th day of February, 1996



JOHN W. SHRUM, Chairman

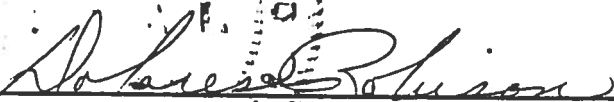


BARRY J. PETERSON, Commissioner



CHARLES F. WHIPPLE, Commissioner

ATTEST:



DOLORES ROBISON
Clerk of the Board of
County Commissioners