

## CHAPTER 11

### FLOOD PLAIN

#### 11-1. STATUTORY AUTHORIZATION AND STATEMENT OF PURPOSE

11-1.01 The Legislature of the State of Idaho has in I.C. §31-714 delegated to local government units the responsibility for the adoption of regulations which are designed to promote the public health, safety, and general welfare of its citizens.

#### 11-2. FINDINGS OF FACT

11-2.01 The flood hazard areas of Jerome County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, public expenditures for flood protection and relief, and impairment of the tax base; all of which affect adversely the public health, safety, and general welfare.

11-2.02 Flood losses are caused by obstructions in areas of special flood hazard which increase flood heights and velocities. Uses that are inadequately flood proofed, elevated, or otherwise protected contribute to flood loss.

#### 11-3. PURPOSE

11-3.01 To promote the public health, safety, general welfare, and to minimize public and private losses from flood conditions by provisions designed to: a. Promote human life and health. b. Minimize expenditure of public monies on costly flood control projects. c. Minimize the need for rescue and relief efforts associated with flooding and which are usually performed at public expense. d. Minimize interruptions in business activities. e. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges. f. Provide a stable tax base through sound use and development of areas of special flood hazard and thereby minimize future flood blight areas. g. Assure that those who purchase real property are aware that the property is in an area of special flood hazard. h. Establish that occupants of area of special flood hazard thereby assume responsibility for their actions.

#### 11-4. METHODS OF REDUCING FLOOD LOSSES

11-4.01 This ordinance includes provisions for: Controlling uses which endanger health, safety, and property and which increase flood damage. a. Require that uses vulnerable to floods are protected from such damage at initial construction. b. Control the alteration of natural flood plains, channels, and barriers which help control flood waters. c. Avoid movement of earth which

would increase flood damage. d. Regulate the construction of flood barriers which might increase flood hazards in other areas.

11-5. GENERAL PROVISIONS

11-5.01 LANDS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard are identified by the Federal Insurance Administration in its Flood Hazard Boundary Map (FHBM) No. 0001-0200 dated 9-4-85 and any revision thereto are adopted by reference and declared to be a part of this Ordinance. (Amended 9-27-93)

11-5.02 COMPLIANCE

All structures and lands, hereafter constructed, located, extended, converted, or altered shall comply fully with the terms of this ordinance.

11-5.03 ABROGATION AND GREATER RESTRICTIONS

This ordinance does not repeal, abrogate, or impair existing easements, covenants, or deed restrictions. Where this ordinance or other ordinances, easements, covenants, or deed restrictions conflict, the more stringent restrictions shall prevail.

11.5.04 INTERPRETATION

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

1. Considered to be minimal requirements.
2. Construed liberally in favor of the governing body.
3. Deemed neither to limit nor to repeal other powers granted under state statutes.

11-5.05 DISCLAIMER OF LIABILITY

This ordinance does not imply that lands outside the areas of special flood hazards or that uses permitted within such areas will be free from flooding or flood damage. This ordinance does not create a liability on the part of Jerome County, its officers or employees, nor the Federal Insurance Administration for flood damages that result from adherence to this ordinance or any administrative decision made hereunder.

11-6. ADMINISTRATION

11-6.01 ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this chapter. The permit shall be for all structures including mobile homes, as set forth in "Definitions" and for all other development including fill. Application for a development permit shall be made on forms furnished by the Administrator and shall include, but not be limited to, plans in duplicate, drawn to scale,

which show the nature, location, dimensions, and elevations of the pertinent area. Existing and proposed structures, fill, storage of materials, and drainage facilities shall be shown. The following information is required: a. Elevation, relative to mean sea level, of the lowest floor, including basement, of all structures. b. Elevation, relative to mean sea level, of any structure which has been flood proofed. c. Certification by a registered, professional engineer or architect that the flood proofing methods for any residential structure meet the flood proofing criteria. d. Description of the extent to which any watercourse will be altered or relocated by the proposed development.

#### 11-6.02 DELEGATION OF AUTHORITY

The Administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

#### 11-6.03 DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR

Duties of the Building Inspector shall include, but not be limited to: a. Permit Review. 1. Review all development permits to determine if the requirements of this ordinance have been satisfied. 2. Review all development permits to determine if all permits which are required by Federal, State, and local governmental agencies have been obtained. 3. Review all development permits to determine if the proposed development is located in the floodway. The Building Inspector shall assure that encroachments on the floodway satisfy the provisions of this ordinance. b. Use of Other Base Flood Data. If base flood evaluation data has not been provided in accordance with the Section, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD", the Building Inspector shall obtain, review, and utilize any base flood evaluation data available from Federal, State, or other sources in order to administer the section, "SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION" and the section, "SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION". c. Information to be Obtained and Maintained: 1. The elevation, relative to mean sea level, of the lowest habitable floor, including the basement, of all new or substantially improved structures. The presence or absence of a basement shall be recorded. 2. For all new or substantially improved flood proofed structures: a. The elevation, relative to mean sea level, of all new or substantially improved flood proofed structures. b. The required flood proofing certificates. 3. All records pertaining to the provisions of this ordinance. Such records are open to public inspection. d. Alteration of Watercourses. 1. The Building Inspector and adjacent communities shall be notified prior to any alteration or relocation of a watercourse. Evidence of such notification shall be submitted to the Federal Insurance Administration. 2. Maintenance shall be provided within the altered or relocated portion of said watercourse so that its flood carrying capacity is not diminished. e. Interpretation of FHBM Boundaries. Make interpretations, where needed, which establish the precise locations of the boundaries of the areas of special flood hazards. A person contesting the

location of a boundary shall be given a reasonable opportunity to appeal the interpretation. Appeals, if granted, shall be consistent with the standards of Section 1910.6 of the Rules and Regulations of the National Flood Insurance Program (24 CFR 1909, etc.).

## 11-7. PROVISIONS FOR FLOOD HAZARD PROTECTION

### 11-7.01 GENERAL STANDARDS (Amended 1-12-98)

In all areas of special flood hazards the following standards and review/acceptance by the Building Official are required:

a. Anchoring. 1. All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure. 2. All mobile homes shall be anchored in accordance with Idaho Manufactured Home Installation Guide issued by Idaho State Building Bureau and this ordinance to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that: a. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations. If a mobile home is less than fifty (50) feet long, it requires only one (1) additional tie per side. b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points; mobile homes less than fifty (50) feet long require only four (4) additional ties per side. c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds. d. Additions to the mobile home shall be similarly anchored. 3. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour, or greater. 4. Certification must be provided to the Building Official indicating that the standard(s) for anchoring have been satisfied.

b. Construction 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. c. Utilities. 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. 2. New replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems in flood waters. 3. On-site waste disposal systems shall be located so that flooding does not impair their operations. d. Subdivision Proposals. All subdivision proposals shall be consistent with the need to minimize flood damage. 1. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. 2. All subdivision proposals shall have adequate drainage in order to reduce exposure to flood damage. 3. Base flood elevation data shall be provided for subdivision proposals and for other proposed developments which contain fifty (50) lots or five (5) acres, whichever is less. e. Review of Building Permits (Amended 1-12-98) 1. Where elevation data is not available,

applications for building permits shall be reviewed by the building official to assure that the proposed construction will be reasonably safe from flooding. Reasonableness is a local judgment, and it shall be based upon historical data, high water marks, photographs of past flooding, and other pertinent information that is available.

#### 11-7.02 SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation has been provided as set for in BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD and in USE OF OTHER BASE FLOOD DATA of this chapter of this ordinance, the following provisions are required. a.

Residential Construction. 1. New construction and substantial improvement of any commercial, industrial or other non-residential 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, it shall: b. Be flood proofed so that the structure is water-tight below the base flood level and have walls which are impermeable to water. c. Have structural components which are able to resist hydrostatic and hydrodynamic loads and to resist the effects of buoyancy. d. Be certified by a registered professional engineer or architect to indicate that the standards of this subsection have been satisfied. Such certifications shall be provided as are required by this ordinance.

b. Mobile Homes. (Amended 1-12-98) 1. Mobile homes shall be anchored in accordance with provisions of this ordinance and Idaho Manufactured Home Installation Guide issued by Idaho State Building Bureau. 2. For new, mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads is equal to, or exceeds fifty (50) per cent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes which have not been placed in a mobile home park or mobile home subdivision, it is required that: a. Standards or lots be elevated on compacted fill or on pilings so that the lowest floor of the mobile home is at or above the base flood level. b. There be adequate surface drainage and adequate access for a hauler. c. In the instance of elevation on pilings: -Lots shall be large enough to permit steps. – Piling foundations shall be placed in stable soil not more than ten (10) feet apart. – Reinforcement be provided for pilings which extend more than six feet above ground level.

#### 11-7.03 FLOODWAYS

Within areas of special flood hazard, as established in this chapter of this ordinance, there are areas designated as floodways. Since the floodway is an extremely hazardous area, the following provisions apply: a. Encroachments, such as fill, new construction, improvements, and other development are prohibited unless a registered professional engineer or architect provides certification that the encroachment(s) will not produce an increase in flood

levels during the occurrence of the base flood discharge. b. If section 11-7.03a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this ordinance. c. The placement of mobile homes, except in an existing mobile home park or mobile home subdivision, shall be prohibited.

## 11-8. VARIANCE PROCEDURES CONCERNING THE FLOOD PLAIN

### 11-8.01 APPEAL BOARD

a. The Board of County Commissioners of Jerome County shall hear and decide appeals and requests for variances from the requirements of this chapter of this ordinance. b. The Board shall hear and decide appeals when it is alleged that there has been an error in a requirement, decision, or determination of the Planning and Zoning Commission in the Administration or enforcement of this ordinance. (Amended 11-9-06, 10-20-08) c. Those persons aggrieved by the decision of the Planning and Zoning Commission, or any taxpayer, may appeal the questioned decision to the Board as provided in Idaho Code 31-714.(Amended 11-9-06, 10-20-08) d. In acting upon such application, the Board of County Commissioners shall consider all technical evaluations from the Building Official, relevant factors, and all standards which have been established in other sections of this chapter of this ordinance, including: 1. The danger that materials may be swept onto other lands to the injury of others. 2. The danger to life and property from flooding or erosion. 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners. 4. The importance of the services provided by the proposed facility to the community. 5. The necessity of a waterfront location to the facility, if applicable. 6. The availability of alternate locations for the proposed uses which are not subject to flooding or erosion. 7. The compatibility of the proposed use with existing and anticipated development. 8. The relationship of the proposed use to the Comprehensive Plan and the Flood Plain Management Program for that area. 9. The safety of access by ordinary and emergency vehicles to the property in times of flood. 10. The expected heights, velocities, duration, rates of rise, and sediment transport of the floodwaters as well as the effects of wave action expected at the site, if applicable. 11. The costs of providing governmental services during and after flood conditions, including the maintenance and repair of public utilities and facilities such as sewers, gas lines, electrical and water systems, streets, and bridges. (Amended 1-12-98) e. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size when it is contiguous to or surrounded by lots having existing structures below the base flood level if items 1. through 11. of Section 11-8.01d. have been fully considered. If the lot size is greater than one-half acre, the technical justification for issuance of a Variance increases. f. The Board of County Commissioners shall attach such conditions to the granting of a Variance as it deems necessary to fulfill the purposes of this Ordinance. g. The Board of County Commissioners shall maintain the

records of all appeal actions and shall report any Variances to the Federal Insurance Administration upon request.

11-8.02 CONDITIONS FOR VARIANCES

a. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places without regard for the procedures set forth in the remainder of this Section. b. Variances shall be issued only upon a determination that the Variance is necessary to afford relief, considering the flood hazard. c. A Variance shall be issued only upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the Variance will result in exceptional hardship for the applicant.
3. A determination that the granting of a Variance will not produce increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing laws or ordinances.

d. Any applicant to whom a Variance is granted shall also be given written notice that the structure will be permitted with the lowest floor elevation below the base flood evaluation, and he shall be notified that the cost of flood insurance will be commensurate with the increased risk resulting from the elevation of the lowest floor. (Effective date for Flood Plain Insurance is September 4, 1985.)