

CHAPTER 4 FLOOD CONTROL

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10-4-1: **STATEMENT OF PURPOSE:** The purpose of this Chapter is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed 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 flood plains, 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 damages; and

(E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

10-4-2: **DEFINITIONS:** For the purposes of this Chapter the following words shall have the meaning ascribed below:

BASE FLOOD: A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

DEVELOPMENT: Any man-made change to real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within a special flood hazard area.

DIRECTOR: The Director of the Community Development Services Department of the City.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff surface waters from any source, or both such conditions.

FLOOD INSURANCE RATE MAP: 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 City.

FLOOD INSURANCE STUDY: 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.

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 foot (1').

LOWEST FLOOR: The lowest enclosed area within a building or structure. An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage, in an area other than basement area, shall not be considered a building's lowest floor, provided such enclosure conforms to the applicable non-elevation design requirements of this Chapter.

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.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced after June 25, 1987.

SPECIAL FLOOD HAZARD AREA: The land in the flood plain within the City subject to a one percent (1%) or greater chance of flooding in any given year, as identified in the flood insurance study referred to in Section 10-4-3(B), or as may be determined by the Director in accordance with Section 10-4-4(C)4 and (C)9.

START OF CONSTRUCTION: The date the building permit was issued for new construction or substantial improvement, provided the actual start of construction, repair, reconstruction, placement of 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 a 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 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 or manufactured home 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 before the improvement or repair is started, or 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.

10-4-3: APPLICABILITY: IDENTIFICATION OF SPECIAL FLOOD HAZARD AREAS:

(A) This Chapter shall apply to all areas of special flood hazards within the City.

(B) A scientific and engineering report prepared by the Federal Insurance Administration and entitled "The Flood Insurance Study for the City of Idaho Falls, Idaho," dated April 1982, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this Chapter. Two copies of the flood insurance Study shall be kept on file at the Community Development Services office of the City, and another copy shall be kept on file at the office of the City Clerk. The Flood Insurance Study shall identify all special flood hazard areas in the City. (Ord. 3003, 4-23-15)

10-4-4: ADMINISTRATION:

(A) A development permit shall be obtained before construction or development begins within any special flood hazard area. The permit shall be required for all structures including manufactured homes, and for all other development including fill and other activities.

(B) The Director is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

(C) Duties of the Director shall include but not be limited to:

(1) Review of all permits to determine that the requirements of this Chapter have been satisfied.

- (2) Review of 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 of all development permits to determine if the proposed development is located in the floodway, and if located in the floodway, to assure that the encroachment provisions of Section 10-4-5(C) are met.
- (4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, as criteria for requiring new construction, substantial improvements, or other development occurring in Zone A, as identified on the Flood Insurance Rate Map to meet the criteria of Section 10-4-5(B) "Specific Standards".
- (5) 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.
- (6) To verify and record the actual elevation (in relation to mean sea level), and maintain the flood-proofing certifications required in Section 10-4-5(B)(2), for all new or substantially improved structures.
- (7) Notify adjacent communities and the State prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
- (8) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (9) Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (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 67.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59, et. seq.)

10-4-5: PROVISIONS FOR FLOOD HAZARD PROTECTION:

(A) General Standards: In all special flood hazard areas, the following standards are required:

- (1) Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) Construction Materials and Methods: All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and shall be constructed using methods and practices that minimize flood damage.
- (3) Utilities: All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of flood waters into the systems, and discharge from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment or contamination during flooding.
- (4) Mechanical and Utility Equipment: Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) Subdivision Proposals: All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage and shall have adequate drainage provided to reduce exposure to flood damage. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).
- (6) Review of Building Permits: Where elevation data are not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. Reasonableness shall be based upon historical data, high water marks, photographs of past flooding and other similar historical flood data.

(B) Specific Standards: In all special flood hazard areas, where base flood elevation data has been provided as set forth in Sections 10-4-3(B) or 10-4-4(C)(4), the following provisions are required:

- (1) Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. For all new construction and substantial improvements fully enclosed areas below the lowest floor that are subject to flooding 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 either must be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: 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; the bottom of all openings shall be no higher than one foot (1') above grade; and openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (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:
 - (a) Be flood-proofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (c) 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 review of the structural design, specifications and plans. Such certification shall be provided to the Director as set forth in Section 10-4-4(C)(3).
 - (d) Nonresidential structures that are elevated and not flood-proofed must meet the same standards for space below the lowest floor as described in Section 10-4-5(B)1.

(e) Applicants who flood proof nonresidential buildings shall be notified by the Director that flood insurance premiums will be based on rates that are one foot (1') below the flood-proofed level.

(3) **Manufactured Homes:** Manufactured homes are not permitted in any special flood hazard areas within the City.

(C) **Floodways:** The following provisions apply to structures located within areas designated as floodways in the flood insurance study. Since a floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply in floodway areas:

(1) Encroachments including fill, new construction, substantial improvements, and other development are prohibited unless a certification by a registered, professional engineer or architect is provided demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If such certification is obtained, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.

10-4-6: **WARNING AND DISCLAIMER OF LIABILITY:** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

10-4-7: **VARIANCE:** In order to secure a variance from the requirements of this Chapter an applicant for such permit shall follow the variance procedures set forth in the regulations for the National Flood Insurance Program, (44 CFR 59 et. seq.), one copy of which regulations are hereby adopted by reference, and declared to be a part of this Chapter. One copy of said regulations shall be kept on file in the office of the City Clerk and two (2) copies shall be kept on file in the office of the Community Development Services Department. (Ord. 3003, 4-23-15)

10-4-8 **APPEALS:** Any owner or lessee of real property within the City who believes his property rights to be adversely affected by any determination of the Administrator of the National Flood Insurance program may file a written appeal within ninety days of the second newspaper publication of the Administrator's proposed determination. Such appeal shall be filed

and processed in accordance with the regulations set forth in Chapter 67 of the National Flood Insurance Program (44 CFR 67 et. seq.).