

(4) The studies listed below are hereby adopted as the primary sources of flood hazard analysis:

(3) The Big Wood River and its tributaries and floodplains in Ketchum are important to the well-being of its citizens as a source of recreation, fish and wildlife habitat, aesthetic beauty, a source of irrigation water as well as other economic and lifestyle values.

(2) These flood losses are caused by the cumulative effects of obstruction in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(1) The flood hazard areas of Ketchum, Idaho are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental 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.

15.1 Findings of Fact -

FP - FLOODPLAIN MANAGEMENT OVERLAY ZONING DISTRICT

SECTION XV

as follows, to-wit:

Floodplain Management Overlay Zoning District, is hereby adopted is hereby deleted in its entirety and a new Section XV, District, of Ordinance Number 208 of the City of Ketchum, Idaho, SECTION 1. That Section XV, Flood Control Combining

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, as follows:

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING ORDINANCE NUMBER 208, BY DELETING THEREFROM IN ITS ENTIRETY SECTION XV, FLOOD CONTROL COMBINING DISTRICT AND BY ADDING THERETO A NEW SECTION XV, FLOODPLAIN MANAGEMENT OVERLAY ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

- (a) Community panel number 16023 0005 B of the Flood Insurance Rate Maps (FIRM) prepared for Ketchum by the Federal Emergency Management Agency effective June 15, 1978 and any amendments thereto.
- (b) Community panel number 165167 0453 A of the Flood Insurance Rate Maps (FIRM) prepared for Blaine County by the Federal Emergency Management Agency effective March 16, 1981 and any amendments thereto.
- (c) Flood Plain Information by the Corps of Engineers for Trail Creek, June 1974; Big Wood River, June 1970; and, Warm Springs Creek, October 1972.
- (d) Other flood hazard studies, as may be adopted by the City of Ketchum, will be utilized in determining flood hazard.
- (5) Regulations pertaining to development on property affected by the 100-year floodplain, as defined herein, are necessary in addition to those of the underlying zoning district in order to promote the health, safety and welfare of the citizens of and visitors to the City of Ketchum, Idaho.
- 15.2 Statement of Purpose - It is the purpose of this Section 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 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 second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To insure that potential buyers are notified that property is in an area of special flood hazard;
- (8) To insure that those who occupy the areas of special

Flood hazard assume the responsibility for their actions;

(9) To allow the river and creeks and their adjacent lands to convey flood waters to minimize property damage;

(10) To regulate uses in the floodplain for the purpose of preserving, protecting, and enhancing the abundance and diversity of fish, wildlife and riparian resources;

(11) To protect, preserve and enhance the waterways and floodplains as a recreation resource;

(12) To provide a formal procedure for stream alteration permit applications;

(13) To restrict or prohibit uses which are injurious to health, safety or property in times of flood, which result in environmental damage, or that cause increased flood heights or velocities; and,

(14) To guide development and City review of development in order to establish the most appropriate building envelopes for lots existing and in new subdivisions.

15.3 Methods of Reducing Flood Losses - In order to accomplish its purpose, this Section includes methods and provisions for:

(1) 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 flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling, filling, grading, dredging, and other development which may increase flood damage; and,

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

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

(1) "Appeal" means a request for a review of the Ketchum Building Inspector's interpretation of any provision of this Section or a request for a variance.

(2) "Area of shallow flooding" means a designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depth range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

(3) "Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

(4) "Base flood" means the flood having one percent 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.

(5) "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.

(6) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal water and/or surface waters from any source.

(7) "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 risk premium zones applicable to the community.

(8) "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.

(9) "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 (1) foot.

(10) "Habitable floor" means any floor usable for living or purposes, which includes working, sleeping, eating, cooking or

recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

(11) "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 requirement contained in Subsection 15.7(2)(a)(2).

(12) "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 floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

(13) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(14) "Mean high water mark" means a water level corresponding to the natural or ordinary high water mark and is the line which the water impresses on the soil by covering it for sufficient periods of time to deprive the soil of its terrestrial vegetation and destroy its value for commonly accepted agricultural purposes.

(15) "New construction" means structures for which the "Start of construction" commenced on or after the effective date of the Ordinance enacting this Section.

(16) "Riparian zone" is that area along the banks of any waterway twenty-five feet (25') in width measured from the mean high water mark.

(17) "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.

(18) "Stream alteration" means to obstruct, diminish, destroy, alter, modify, relocate, or change the natural existing shape of the channel or to change the direction of flow of water at any stream channel within or below the mean high water mark. It includes removal of material from the stream channel and emplacement of material or structures in the stream channel.

(19) "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

(20) "Substantial improvement" means 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 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.

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.

(21) "Variance" means a grant of relief from the requirements of this Section which permits construction in a manner that would otherwise be prohibited by this Section.

15.5 General Provisions -

(1) Establishment of the Floodplain Management Overlay Zoning District - The Floodplain Management Overlay Zoning District is hereby established. The regulations of this District

apply to all lands within the jurisdiction of the City of Ketchum that lie within the 100-year floodplain boundaries as determined by the graphic representation shown on the Flood Insurance Rate Map (FIRM) and by the elevations of the I.R.F. contained in the Flood Insurance Study referred to hereinbelow in addition to the regulations contained in the underlying zoning district.

(a) Establishment of the Floodway Sub-District and the Floodplain Sub-District. The Floodplain areas are divided into two (2) sub-districts: the Floodway Sub-District and the Floodplain Sub-District.

(b) Rules for Interpretation of the Floodplain Management Overlay Zoning District Boundaries. The Floodplain Management Overlay Zoning District boundaries are represented on the Official Zoning Map of the City of Ketchum. However, the precise Intermediate Regional Flood (I.R.F.) location shall be determined by on-site survey and elevations as interpreted from the adopted Flood Insurance Rate Map and the Flood Insurance Study. All land within the external boundary of the 100-year floodplain and all parcels with any portion thereof affected by said 100-year floodplain shall be considered to be within the Floodplain Management Overlay Zoning District governed thereby in addition to the underlying zoning district. The City may make necessary interpretations of the boundary based upon the recommendation of the City Engineer or other expert.

(c) Basis for Establishing the Areas 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 Ketchum, Idaho" with an accompanying Flood Insurance Rate Map bearing an effective date of June 15, 1978, and the engineering report entitled "Flood Insurance Study for Blaine County, Idaho" with an accompanying Flood Insurance Rate Map bearing an effective date of March 16, 1981 to establish the areas of special flood hazard for land which has been or will be annexed into the City limits of the City of Ketchum, Idaho, since the adoption of said study for the incorporated area of the City of Ketchum are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Studies are on file at the Office of the City Clerk, City Hall, 480 East Avenue North, Ketchum, Idaho.

(2) Establishment of Waterways Design Review Sub-District - The City of Ketchum hereby makes the following findings of fact with regard to establishing a Waterways Design Review Sub-District:

Flooding is aggravated by the collection of debris upstream of the many channel obstructions located in the floodplain areas. Such obstructions include bridges, fences, houses, trees, etc.

The accumulation of debris has resulted in significantly higher water surface elevations upstream from the obstructions than would otherwise be expected. Obstructions can and tend to cause flooding to extend beyond anticipated FEMA 100-year flood boundaries at points of debris accumulation which cannot be predicted.

All structures located roughly within the limits of the 500-year floodplain are subject to inundation, it not direct impact by the channel itself, during floods of return frequencies of 10-20 years. This is due to the tendency of the channel to change abruptly, often cutting a totally new channel in a few hours, during high water periods because the Big Wood River is wide, flat and has relatively shallow channel in many areas.

The levees built by the U. S. Army Corps of Engineers are not considered by the Corps to be adequately designed to be classified as permanent structures capable of withstanding a 100-year flood.

Encroachments (i.e. houses, fill, etc.) on floodplains reduce the flood-carrying capacity and increase flood heights, thus increasing flood hazards beyond the encroachment. With every new structure or other development since the FEMA 100-year boundary was determined, the ability of the floodplain to function as originally assumed changes.

Historically development adjacent to waterways has had a direct effect on methods chosen by owners to protect their property and often to the detriment of the natural stream by destroying or greatly altering fish and wildlife habitat and by unnaturally armoring the banks of the waterways to prevent erosion and thus, future damage to man-made structures.

(a) The purposes for which said Sub-District is established are as follows:

(1) To guide development adjacent to waterways toward the most appropriate building envelope for its particular site;

(2) To minimize the impact of development adjacent to waterways on adjacent properties upstream, downstream and across waterways;

(3) To review development plans for property adjacent to waterways to minimize the obstruction of the conveyance of flood waters;

(4) To provide for the maintenance and/or enhancement of the riparian environment including wildlife habitat along waterways;

(a) Encroachments including fill, new construction, substantial improvements and other development are prohibited unless certification by a registered professional hydraulic

(3) Uses Permitted - Due to the potential hazard to individuals as well as public health, safety and welfare, uses allowed in the Floodplain Management Overlay Zoning District are those which are permitted, conditional, and accessory as contained in the underlying zoning district; however, due to the extremely hazardous nature of the floodway due to velocity of flood waters carrying debris, potential projectiles and erosion potential, the following provisions apply in addition to all others to the Floodway Sub-District:

(d) Applications for Design Review shall be made and processed according to the regulations contained in Section XVII herein and according to Subsection 15.6, herein.

(c) Development as defined in Subsection 15.4 herein and construction or placement of buildings or structures, including additions to any such structures or buildings existing at the effective date of the Ordinance enacting this Section, upon real property within the Waterways Design Review Sub-District shall be subject to Design Review and shall require said approval under Subsection 15.6, herein, and Section XVII, D-Design Review District, herein, prior to issuance of a building permit, excavation/grading permit or commencement of any work associated with any such activity.

(b) The Waterways Design Review Sub-District is hereby established and shall be defined as including all those parcels of property within the City limits lying adjacent to the Big Wood River, Trail Creek and Warm Springs Creek and any and all channels, having year-round or intermittent flow, thereof.

(9) To review landscaping and access for flood-carrying capacity and preservation or enhancement of riparian vegetation.

(8) To review drainage/obstructions to flood-carrying capacity and to advise on methods that may be used to moderate impact of the development; and,

(7) To advise of flood hazards and studies and options available;

(6) To warn that City review and approval is not going to prevent flooding and that it may occur;

(5) To carry out the provisions of the Comprehensive Plan as well as health, safety and welfare with regard to properties adjacent to waterways;

engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and uses within the floodway shall be restricted to those which are required by public necessity (for example, bridges, water pumps), recreational use (for example, paths), wildlife habitat improvements (for example, vegetation, nesting structures, pool/trifle improvements), and gravel extraction; provided that the use/encroachment meets the approval of the Federal Emergency Management Agency and National Flood Insurance Program and does not jeopardize the City's participation in the National Flood Insurance Program.

(b) If Subsection 15.5(4)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection 15.7, Provisions for Flood Hazard Reduction.

(4) General Notice Requirements - In order to provide reasonable notice to the public of the flood hazard potential within all areas of the Floodplain Management Overlay Zoning District, the following notice regulations and requirements are hereby adopted for all real property and structures located within said District:

(a) All subdivision plats shall identify and designate the 100-year floodplain boundary and the floodway boundary including a certification by a registered surveyor that the boundaries were established consistent with the FIRM Map for the City of Ketchum or Blaine County, whichever applies. All subdivision plats shall contain a note or notes that warn prospective buyers of property that sheet flooding can and will occur and that flooding may extend beyond the floodway and floodplain boundary lines identified.

(b) All subdivision plats shall contain note(s) that refer to the required 25 foot setback from all waterways called the riparian zone in which no structure is permitted and require that riparian vegetation shall be maintained in its natural state for the protection and stabilization of the river bank, and that removal of trees or other vegetation will be considered as part of the function of design review as set forth in Subsection 15.6 and Section XVII, herein.

(c) Prior to issuance of any building permit, the Elevation Certificate shall be completed by a registered professional engineer, architect or surveyor and submitted to the Ketchum Building Inspector. The Elevation Certificate form shall be made available from the City. The Certificate shall again be completed by the owner and/or his/her agents prior to issuance of a Certificate of Occupancy or a final inspection by the Building Inspector to evidence the as-built elevation of the lowest floor including basement.

(d) Each and every real estate agent, sales person and broker, and each and every private party who offers for sale a parcel of real property and/or structure for sale within said District shall provide the prospective purchaser with notice that said real property and/or structure is located within said District.

(e) Prior to issuance of any floodplain development permit, the property owner or his authorized agent shall acknowledge by executed written affidavit that said property is located within the 100-year floodplain as defined herein and that a violation of the terms of this Ordinance shall cause the City to seek legal remedies.

(5) Compliance - No structure or land shall hereinafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations. Should the regulations specified in any other Ordinance of Ketchikan be less restrictive, the regulations of this Section shall apply.

(6) Abrogation and Greater Restrictions - This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another Ordinance or Section herein, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(7) Interpretation - In the interpretation and application of this Section, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and,
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

(8) Warning and Disclaimer of Liability - The degree of flood protection required by this Section 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 Section 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 damage. This Section shall not be deemed or construed to create liability on the part of the City of Ketchikan, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

(1) Establishment of Floodplain Development Permit - A Floodplain Development Permit shall be obtained prior to issuance of a building or excavation/grading permit for any and all development as defined in Subsection 15.4 herein and construction, including stream alteration, as defined herein, within the Floodplain Management Overlay District established in Subsection 15.5(1).

(2) Establishment of Waterways Design Review - Approval of Waterways Design Review shall be obtained prior to issuance of a building or excavation/grading permit and prior to commencement of construction for any and all development defined in Subsection 15.4 herein within the Waterways Design Review Sub-District as defined in Subsection 15.5(2).

(3) Applications - Applications shall be made on forms furnished by the City and may be made simultaneous with application for a building permit or application for design review, where applicable. The application shall contain the following information and any additional information which may be reasonably required by the Administrator or Commission:

- (a) Engineer, owner of property, applicant if different than owner, address, phone, etc.
- (b) Fees as set by Resolution of Council.
- (c) Vicinity map.
- (d) Site plan(s), drawn to scale, showing:

- (1) nature, location, dimensions and elevations of lot, including one foot (1') contours
- (2) location of existing and proposed structures, fill, storage of materials, drainage facilities
- (3) location of existing channels and ditches and other significant natural features, boundaries of floodway and floodplain, including I.R.F. elevation, and other site specific information from the studies referred to in Subsection 15.5(1)(c), herein

- (4) Location and elevations of adjacent streets, water supply and sewer lines, including private wells and/or septic systems

- (5) elevation of the lowest floor (including basement) of all structures existing and proposed including elevation to which any structure has been flood proofed

- (6) existing vegetation and proposed landscape plan, including identification of sizes and types of trees and other plants to be saved, removed, and/or planted
- (7) identification of the riparian zone and the mean high water mark, as defined herein
- (8) location of previous stream alterations upstream, downstream and along both banks from subject lot
- (9) location of drainage ways intermittent and year-round including potential overflow channels or channel movement
- (10) proposed excavation or land fill including resulting slope grades for the building pad(s), driveways, and any other element of the proposed development where excavation or fill will take place
- (11) drainage plan including off-site improvements such as borrow ditches, and culverts and including a plan for on and off-site improvements to provide for unobstructed conveyance of flood waters
- (e) Description of proposed development.
- (f) Specifications for building construction and materials, flood proofing, filling, grading, dredging, channel improvement/changes and utilities.
- (g) Elevation and/or flood proofing certification prepared by professional engineer for existing and proposed residential and non-residential structures. Said flood proofing methods shall meet the criteria in Subsection 15.7(2)(b).
- (h) Copies of applications sent to Army Corps of Engineers and Idaho Department of Water Resources (Stream Alteration only).
- (i) Cross-section of proposed work (Stream Alteration only).
- (j) Length of stream to be worked, type of work to be done, type of equipment to be used and starting and completion dates of work (Stream Alteration only).
- (k) A valley cross-section showing stream channel, floodway limits, elevations of adjacent land areas, I.R.F., proposed development, and high water information and a profile showing the slope of the bottom of the channel or flow line of the stream may be required upon review of all other material submitted (Stream Alteration only).

(4) Duties and Responsibilities - The Planning and Zoning Administrator is hereby appointed to administer and implement this Ordinance in accordance with its provisions. The Ketchum Planning and Zoning Commission shall consider and approve, approve with conditions, or deny applications for Floodplain Development Permits as required herein, for Waterways Design Review as required herein and for stream alterations at a duly noticed meeting. The Administrator shall provide written notice of said application to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on said application.

Specific duties and responsibilities shall include, but are not limited to:

(a) Permit Review.

(1) Review of all applications for proposed construction within the City of Ketchum to determine whether such construction is proposed, in whole or in part, within the Floodplain Management Overlay District and/or the Waterways Design Review District herein.

(2) Review all Building Permit, Floodplain Development Permit and Design Review applications to determine that the permit requirements of this Section have been satisfied.

(3) Review all Floodplain 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.

(4) Review all Floodplain Development Permit applications to determine if the proposed development adversely affects the velocity of flow and the flood-carrying capacity of the area of special flood hazard. For the purposes of this Section, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

(5) Contact for review and comment when found necessary other agencies such as Idaho Fish and Game, Idaho Department of Water Resources, Soil Conservation Service, EPA and Corps of Engineers.

(b) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Subsection 15.5(1)(c), Basis for Establishing the Area of Special Flood Hazard, the Administrator shall obtain, review, and

reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Subsection 15.7(2)(a), Specific Standards, Residential Construction, and Subsection 15.7(2)(b), Specific Standards, Non-Residential Construction, and Subsection 15.7(3), Floodways.

(c) Information to be Obtained and Maintained.

(1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Subsection 15.6(4)(b), 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 flood proofed structures:

(a) Verify and record the actual elevation (in relation to mean sea level); and,

(b) Maintain the flood proofing certifications required in Subsection 15.6(3)(g).

(3) Maintain for public inspection all records pertaining to the provisions of this Section.

(4) Maintain records on all permits, appeals and report all variances to Federal Insurance Administration.

(d) Alteration of Watercourses.

(1) Notify adjacent communities and all State agencies with jurisdiction over the special flood hazard areas identified in Subsection 15.5(1) of this Section and/or with jurisdiction over the corresponding watercourse, river, stream or tributaries prior to any alteration or rigrapping, 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.

(e) Interpretation of "FIRM" Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special 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 as provided in Subsection 15.6(7).

(5) Criteria for Evaluation of Applications - The criteria of Floodplain Development Permit applications, Waterways Design Review applications, and Stream Alteration Permit applications shall be as follows:

(a) Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.

(b) Preservation of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty-five (25) foot setback or riparian zone.

(c) Plan and time frame shall be provided for restoration of riparian vegetation damaged as a result of the work done.

(d) New or replacement planting and vegetation shall include plantings that are low-growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings include: red osier dogwood, common choke cherry, service berry, elder berry, river birch, skunk bush sumac, hells willow, drummond's willow, little wild rose, gooseberry, and honeysuckle.

(e) Landscaping and driveway plans to accommodate the function of the floodplain to allow for sheet flooding. Flood water carrying capacity is not diminished by the proposal. Surface drainage is controlled and shall not adversely impact adjacent properties including driveways drained from paved roadways. Curb(s) under driveways may be required. Landscaping terms shall be designed to not dam or otherwise obstruct floodwaters or divert same onto roads or other public pathways.

(f) Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not adverse.

(g) Building setback in excess of minimum required along waterways is encouraged.

(h) The bottom of the lowest floor in the floodplain shall be a minimum of one (1) foot above the I.R.F.

(i) The back fill used around the foundation in the floodplain shall provide a reasonable transition to existing grade, but shall not be used to fill the parcel to any greater extent.

(j) Driveways shall comply with effective Street

Standards; access for emergency vehicles has been adequately provided for.

(k) Landscaping or revegetation shall conceal cuts and fills required for driveways and other elements of the development.

(l) Criteria and Standards contained in Section XVII herein, Design Review District.

(m) (Stream Alteration) The proposal is shown to be a permanent solution and creates a stable situation.

(n) (Stream Alteration) No increase to the 100-year floodplain upstream or downstream has been certified by a registered Idaho engineer.

(o) (Stream Alteration) The recreational use of the stream including access along any and all public pedestrian/fisherman's easements and the aesthetic beauty shall not be obstructed or interfered with by the proposed work.

(p) Wetlands shall not be diminished.

(q) (Stream Alteration) Fish habitat shall be maintained or improved as a result of the work proposed.

(r) (Stream Alteration) The proposed work shall not be in conflict with the local public interest, including but not limited to property values, fish and wildlife habitat, aquatic life, recreation and access to public lands and waters, aesthetic beauty of the stream and water quality.

(s) (Stream Alteration) The work proposed is for the protection of the public health, safety and/or welfare such as public schools, sewage treatment plant, water and sewer distribution lines and bridges providing particularly limited or sole access to areas of habitation.

(6) Conditions - Conditions of approval may include, but not be limited to:

(a) Riparian vegetation and other landscaping is maintained in perpetuity as shown on approved plans.

(b) As built certification shall be required to be submitted prior to occupancy of structure or upon completion of the proposed work. (Stream Alteration)

(c) Other Permits shall be (i.e. Idaho Department of Water Resources and Corps of Engineers) obtained by the applicant prior to commencement of construction.

(d) Restoration of damaged riparian vegetation within riparian zone shall be required prior to completion of the proposed project. A bond to assure such restoration may be required prior to commencement of such work.

(7) Variance Procedure -

(a) Appeal Board.

(1) The Council shall hear and decide appeals and requests for variances from the requirements of this Section.

(2) Those parties aggrieved by any decision of the Administrator with regard to his determinations under this Section may within thirty (30) days of receiving notice thereof appeal said determination to the Council. The Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this Section.

(3) Those aggrieved by the appeal decision of the Council, or any taxpayer, may appeal such decision to the District Court as provided in Sections 67-5215(b) through (g), Idaho Code.

(4) In passing upon such applications, the Council shall consider all technical evaluations, all relevant factors, standards specified in other Sections herein, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) Whether the structure is designed, constructed and placed upon the lot to minimize flood damage and minimize the effect upon the danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents 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 use which are not subject to flooding or 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 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;

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities such as sewer, gas, electrical, and water systems, and streets and bridges; and,

(l) Variances shall only be issued in accordance with the guidelines found at Section 60.6, Federal Regulations, (Title 44 CFR) as set forth therein at the date this Section shall become effective.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided items (a)-(4) in Subsection 15.6(7)(a)(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors of Subsection 15.6(7)(a)(4) and the purposes of this Section, the Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.

(7) The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(b) Conditions for Variance.

(1) 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.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the

base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

- (a) A showing of good and sufficient cause;
- (b) A determination that failure to grant the variance 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 expenses, create nuisances, cause fraud on or victimization of the public as identified in Subsection 15.6(7)(a)(4), or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(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 non-residential 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 except Subsection 15.6(7)(b)(1), and otherwise complies with Subsections 15.7(1)(a) and 15.7(1)(b) of the General Standards.

(8) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

15.7 Provisions for Flood Hazard Reduction -

(1) General Standards - In all areas of special flood

hazards, the following standards are required:

(a) 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).

(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.

(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.

(c) 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.

(d) 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) Require that flood elevation data be provided or generated for all subdivision and PUD proposals and other proposed developments. USGS datum shall be used and identified on the plat and a permanent bench mark shall be identified and shown on the plat.

(e) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Subsection 15.6(4)(b), 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.

(2) Specific Standards - In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection 15.5(1)(c) Basis for Establishing the Areas of Special Flood Hazard or Subsection 15.6(4)(b) Use of Other Base Flood Data, the following provisions are required:

(a) Residential Construction.

(1) New construction and substantial improvement of any residential structure shall have the bottom of the floor structure of the lowest floor, including basement, elevated a minimum of one (1) foot above the 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 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 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 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 flood waters.

(b) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the bottom of the floor structure of the lowest floor including basement elevated to the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) Be flood proofed 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 Section 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 Subsection 15.6(4)(c)(2);

(4) Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Subsection 15.7(2)(a)(2); and,

(5) Applicants flood proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one 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 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 15.7(1)(a)(2).

(3) Floodways - Located within areas of special flood hazard established in Subsection 15.5(1) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) 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.

(b) If Subsection 15.7(3)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection 15.7 Provisions for Flood Hazard Reduction.

(c) Be certified by a registered professional engineer or except in an existing mobile home park or existing mobile home subdivision.

15.8 Enforcement and Penalties - No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Section and other applicable regulations. The provisions of this Section shall be enforced by one or more of the following methods:

- (1) Requirements of Special Construction Permit;
- (2) Requirements of Building Permit;
- (3) Inspection and ordering removal of violations;
- (4) Criminal liability;
- (5) Injunction; and,
- (6) Civil enforcement.

Enforcement shall further be administered according to Section 27 herein.

SECTION 2. SAVINGS CLAUSE.

If any section, paragraph, sentence or provision hereof, or the application thereof to any particular circumstances, shall ever be held invalid or unenforceable by a Court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 3. REPEALER CLAUSE. All ordinances or parts thereof in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED by the Ketchum City Council and approved by the Mayor this 20th day of November, 1989.

CITY OF KETCHUM

Lawrence J. Young
 LAWRENCE J. YOUNG
 Mayor

ATTEST:

Sandra E. Cady
 Sandra E. Cady
 City Clerk