

**ORDINANCE No. 443**

**AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, AMENDING ORDINANCE NO. 297, SECTION 9-1C-1, "DEFINITIONS" BY ADDING THE FOLLOWING DEFINITIONS: BASE FLOOD ELEVATION (BFE), BASEMENT, FLOOD PROTECTION ELEVATION (FPE), FLOODWAY, LOWEST FLOOR, MANUFACTURED HOME, RECREATIONAL VEHICLE, REGULATORY FLOODWAY AND SUBSTANTIAL DAMAGE; ADDING A NEW SECTION 9-3I-1-H TO ADD LANGUAGE IDENTIFYING THE STATUTE AUTHORITY, AMENDING SECTION 9-3I-4, "SPECIFIC PROVISIONS" BY ADDING THE LANGUAGE "FLOOD PROTECTION ELEVATION" AND DELETING THE LANGUAGE "ONE FOOT (1') ABOVE BASE FLOOD ELEVATION"; ADDING A NEW SECTION 9-3I-4-A2-d TO IMPLEMENT CONSTRUCTION GUIDELINES FOR CRAWLSPACE FOUNDATION TYPES; AMENDING SECTION 9-3I-4-B1 BY ADDING THE LANGUAGE "FLOOD PROTECTION ELEVATION" AND DELETING THE LANGUAGE "ELEVATED TO ONE FOOT (1') ABOVE THE LEVEL OF THE BASE FLOOD ELEVATION; AMENDING SECTION 9-3I-4-C BY ADDING THE LANGUAGE "FLOOD PROTECTION ELEVATION" AND DELETING THE LANGUAGE "BASE FLOOD ELEVATION"; ADDING A NEW SECTION 9-3I-4-D TO ADD RECREATIONAL VEHICLE STANDARDS; ADDING A NEW SECTION 9-3I-4-E TO SET FORTH STANDARDS FOR CONSTRUCTION WHEN A FLOODWAY HAS NOT BEEN DETERMINED; ADDING A NEW SECTION 9-3I-4-G TO SET FORTH STANDARDS FOR SUBMITTING NEW TECHNICAL DATA; PROVIDING A REPEALER CLAUSE, PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE AND EXPIRATION DATE.**

**WHEREAS**, the City of Sun Valley has been mandated by FEMA to adopt new language and standards in order for the City to comply with the regulations of the National Flood Insurance Program (NFIP).

**WHEREAS**, the City of Sun Valley's continued eligibility in NFIP will allow for protection of life and property in the event of high water and/or associated flooding within the City of Sun Valley. NFIP eligibility is required in order for a property owner to receive any Federal Assistance associated with flooding.

**NOW, THEREFORE**, it is ordained by the Mayor and Sun Valley City Council:

**SECTION 1.** Ordinance No. 297 of the City of Sun Valley, Idaho, is hereby amended by deleting the stricken language and the addition of the underlined language as follows:

**9-1C-1: DEFINITIONS:**

BASE FLOOD ELEVATION (BFE): The water surface elevation during the base flood in relation to a specified datum. The BFE is depicted on the Flood Insurance Rate Map (FIRM) to the nearest foot and in the Flood Insurance Study (FIS) to the nearest .1 foot.

BASEMENT: The portion of a structure including crawlspace with its floor sub-grade (below ground level) on all sides.

FLOOD PROTECTION ELEVATION (FPE): An elevation that corresponds to the elevation of the one percent (1%) chance annual flood (base flood), plus any increase in flood elevation due to floodway encroachment, plus one foot of freeboard. Therefore the FPE for Sun Valley is equal to BFE plus floodway elevation (if present) plus freeboard.

FLOODWAY (Regulatory Floodway): The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure'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.

MANUFACTURED HOME: A. A dwelling constructed according to HUD/FHA construction and safety standards and as defined by Idaho Code section 39-4105. For floodplain management purposes: **Manufactured Home** means a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

RECREATIONAL VEHICLE: A vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towed by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY 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 a designated height.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred.

## 9-3I: FLOOD HAZARD PROTECTION

9-3I-1 PURPOSE: It is the purpose of this article to promote the public health, safety and general welfare, and to minimize the public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief effort associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in areas of special flood hazard;
- F. 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;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; ~~and~~
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 382, 10-25-2006)

- I. STATUTE AUTHORITY: The Legislature of the State of Idaho in I.C. 45-1020 through I.C. 46-1024, authorized local government units to adopt a floodplain map and floodplain management ordinance that identifies floodplains and that sets forth minimum development requirements in floodplains that are designed to promote the public health, safety and general welfare of its citizenry.

9-3I-4 SPECIFIC PROVISIONS: In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 9-3I-2A of this Article, or Section 9-4B-10 of this Title, the following provisions are required:

A. Residential Construction:

1. New construction and substantial improvement of any residential structure shall have the lowest foundation stem wall or floor, including basement, elevated to Flood Protection Elevation (FPE). ~~one foot (1') 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 shall either be certified by an engineer or architect, or shall meet or exceed the following minimum criteria:
  - a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot (1') above grade.
  - c. Openings may be equipped with screens, louvers or other coverings or devices; provided that they permit the automatic entry and exit of floodwaters.
  - d. For crawlspace foundation types, construction must follow the guidelines in FEMA TB 11-01, Crawlspace Construction for Structures Located in Special Flood Hazard Areas: National Flood Insurance Program Interim Guidance, specifically:
    - i. Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceed 5 feet per second;
    - ii. Interior grade of the crawlspace below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG);
    - iii. Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the bottom of the floor joist must not exceed 4 feet at any point;
    - iv. Contain an adequate drainage system that removes floodwaters from the interior area of the crawlspace.

B. Non-residential Construction:

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the bottom of the lowest floor, including basement, at Flood Protection Elevation ~~elevated to one foot (1') above 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 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 Section 9-4B-10 of this Title.
  - 2. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in subsection A2 of this Section.
  - 3. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot [1'] 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 bottom of the lowest floor of the manufactured home is at or above the Flood Protection Elevation ~~base flood elevation~~ and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 9-3I-3B of this Article.
- D. Recreational Vehicle Standards: In all Areas of Special Flood Hazard, Recreational Vehicles, must either:
  - 1. Be on the site for fewer than 180 consecutive days;
  - 2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or
  - 3. The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements.
- E. Before Regulatory Floodway: Where the floodway has not been determined, no new construction, substantial improvements, or other development (including fill) shall be permitted in Zones A1-30 and AE on the effective FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- D.F. **Floodways:** Located within areas of special flood hazard established in Section 9-3I-2A of this Article 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:
  - 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 subsection 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.
- G. Requirement to Submit New Technical Data:
  - 1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

- a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts;
  - d. Subdivision or large-scale development proposals requiring establishment of base flood elevations according to 9-31-3(B)(4)(D)
2. It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

**SECTION 2. SAVINGS AND SEVERABILITY.** If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause, or phrase is declared by a Court of competent jurisdiction to be invalid, such actions shall not affect the validity of this ordinance as a whole or any part thereof other than the part declared invalid.

**SECTION 3. REPEALER CLAUSE.** All City of Sun Valley Ordinances or parts thereof which are in conflict herewith are hereby repealed.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its approval, passage, and publication as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, AND APPROVED BY THE MAYOR OF THE CITY OF SUN VALLEY on this \_\_\_\_ day of \_\_\_\_\_, 2011.**

**EFFECTIVE DATE OF PUBLICATION:** \_\_\_\_\_

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Wayne Willich, Mayor

ATTEST:

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Kelly Ek, City Clerk

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Kelly Ek, City Clerk

City of Sun Valley