

MEETING AGENDA
THURSDAY, JULY 14, 2016 AT 9:00 A.M.
SUN VALLEY PLANNING AND ZONING COMMISSION
TO BE HELD IN SUN VALLEY COUNCIL CHAMBER AT CITY HALL

1. Call To Order

The Idaho Code requires that, "...A member or employee of a [Planning and Zoning] Commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action." Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this section shall be a misdemeanor.

2. Public Comment

Opportunity for the public to talk with the Planning and Zoning Commissioners about general issues and ideas not otherwise agendized below (3 minutes max. each).

3. Consent Agenda

- a) Draft Minutes from the Planning & Zoning Commission Meeting of June 23, 2016.

4. New Business

- a) Discussion and possible action on Ordinance No. XXX: An Ordinance of the City of Sun Valley, Idaho, Amending Title 9, Chapter 3, Article I of the Sun Valley Municipal Code Regarding Flood Hazard Protection.
- b) Discussion and possible action on Ordinance No. XXX: An Ordinance of the City of Sun Valley, Idaho, Amending Title 9, Chapter 4, Article A of the Sun Valley Municipal Code Requiring the Replatting of Conveyed Properties.

5. Continued Business

None

6. Discussion Items

- a) Discussion on revisions to Title 9, Chapter 5, Article A of the Sun Valley Municipal Code clarifying the duties of the Community Development Director and streamlining the Community Development Department's Administrative Design Review process by categorizing certain projects as Exempt or as Administrative Without Notice.

7. Adjourn

Meeting Schedule: Regular Meeting at 9:00 am on Thursday, July 28, 2016

**Minutes of the Planning and Zoning Commission
June 23, 2016**

The Planning and Zoning Commission of the City of Sun Valley, Blaine County, State of Idaho, met in regular session in the Council Chambers of Sun Valley City Hall on June 23, 2016 at 9:30 a.m.

1. [Call To Order](#)

Vice-Chairman Jake Provonsha called the meeting to order in Council Chambers at 9:39 am.

Present: Vice-Chairman Jake Provonsha, Commissioner John O'Connor, and Commissioner Sherri Newland.

Absent: Chairman Ken Herich and Commissioner Bill Boeger.

Also Present: Scott Alpha, Steven Meyer, Jolyon Sawrey, Keith Keim, Bruce Hinckley, Mark Pynn, Billy Mann

Vice-Chairman Provonsha asked the Commissioners to disclose any conflicts they may have with the agenda items. Each Commissioner stated they did not have a conflict to report.

2. [Public Comment](#)

No public comment.

4. [New Business](#)

a) [Design Review #2016-25: Substantial exterior alterations and addition of 2,514 sf to an existing residence at 105 Defiance St. Applicant: Mark Pynn, AIA for the Galloway Family Trust. Location: Lot 39, June Day Sub.](#)

Vice-Chairman Provonsha noted that the Commission attended a site visit at 105 Defiance prior to reconvening in Council Chambers.

Mark Pynn, architect, presented on behalf of the applicant. He discussed an overview of the drawings associated with the project including a brief overview of the proposed additions and alterations as well as the site plan.

Bruce Hinckley, landscape architect for the project, explained his approach to the site grading. He noted that due to the existing contours, creating a level auto court on the site was challenging. The proposed grading will allow drainage to flow onto the existing snow storage and native vegetation.

Commissioner Newland asked if the existing sage will remain undisturbed. Hinckley stated that approximately half of the lot will remain undisturbed. Commissioner Newland stated that the sage provides a significant vegetative buffer.

Hinckley continued to present the site plan and described the proposed retention mechanisms including landscape walls and boulders. Commissioner Newland asked about the percentage of the lot that will be

irrigated. Hinckley responded that the irrigated area will be approximately less than 25% of the site, using drip irrigation whenever possible. He explained that a separate system around the perimeter of the structure is proposed with irrigation heads pointing away from the building for use in the event of a fire.

Mark Pynn presented the proposed drawings in further detail including the existing and proposed floor plans, roof plan, exterior elevations, exterior materials, 3d views, and sections. Both Vice-Chairman Provonsha and Commissioner Newland remarked that the elevations provided a great perspective.

Pynn detailed the construction management plan including available parking, construction materials staging, as well as the location of the dumpster. He stated that the owner intends to begin construction in the late summer by pouring the foundations and preliminary wall framing. Construction will stop prior to the winter season and continue next spring to finish the internal remodel.

Commissioner Newland questioned how the site will be stabilized following the soil disturbance due to construction. Pynn explained that he will coordinate with a geotechnical engineer, but did not expect soil disturbance or erosion to be an issue.

Hinckley described the landscape plan, which includes new native grasses and aspen groves. He stated that in designing the plan, he endeavored to create a landscape that was both firewise and waterwise. Commissioner Newland asked about the orientation of the aspens on site and expressed the Commission's desire that the trees be planted off-center as opposed to a wall formation. Hinckley explained that the aspens will be planted in a triangular pattern with different sizes in order to look natural.

Commissioner O'Connor asked about the heat and cooling mechanisms. Pynn explained that the single-family residence will include two boilers, radiant heat, as well as forced air. Commissioner O'Connor asked how the utilities will be enclosed. Pynn answered that the utilities will be tucked behind a stone wall, which will screen the utilities from view. Commissioner O'Connor asked about the sewer connection. Pynn pointed out the location of the existing sewer connection on the drawings and stated that the existing system has adequate capacity for the residence.

Vice-Chairman Provonsha asked about the exterior lighting. Pynn described the lighting fixtures and pointed out the locations on the plans. Commissioner Provonsha explained that sometimes recessed lights can be more obtrusive than one would think on a house located on hillside, but that the lighting didn't pose a concern with this project. Pynn explained that the recessed lighting plan was as discrete as possible and that the recessed fixtures will be less visible than wall sconces.

MOTION

Commissioner O'Connor moved to approve Application No. DR 2016-25 to allow for the construction of additions totaling 2,514 square feet and other exterior alterations, pursuant to the Findings of Fact and Conditions of Approval, seconded by Commissioner Newland. All in favor. The motion carried unanimously.

- b) [Design Review #2016-32: Replacement of existing Community School entry sign with an internally lit, shielded case sign. Applicant: The Community School. Location: within the City-owned Right-of-Way, at the corner of Dollar Road and Community School Drive.](#)

Keith Keim, facility manager from the Community School, presented the proposed new sign. Keim explained that the new sign will be similar to the existing sign and in the same location. He stated that the new sign matches the design of the new Middle School building and upgrades the entry to the campus. He explained that the proposed design complies with all of the City's sign regulations including the LED backlighting.

Vice-Chairman Provonsha asked whether or not the sign will be one sided or two sided. Keim answered that the sign will be two-sided.

Commissioner Newland expressed concern about the size of the sign's structure with regards to the wind and snow load. She asked whether or not a structural engineer had examined the drawings. Keim answered that he believed a structural engineer had reviewed the plans, but he would have to research further to obtain the reports.

Commissioner O'Connor remarked that the sign will help traffic as drivers often miss the turn to the campus.

Vice-Chairman Provonsha recommended that Commissioner Newland's concerns regarding structural engineering be added as a condition of approval. Community Development Director Jae Hill remarked that the adjacent bike path is cleared with a plow so the snow load may pose an issue. Keim explained that he has had conversations with Street Superintendent Bill Whitesell regarding snow storage. Vice-Chairman Provonsha noted that the Community School did a great job with the proposed new sign and the Commissioners agreed that the sign will beautify the entry.

MOTION

Commissioner O'Connor moved to approve Application No. DR 2016-32 to allow for the installation of a new Community School campus entrance sign with landscaping improvements, pursuant to the Findings of Fact and Conditions of Approval as amended, seconded by Commissioner Newland. All in favor. The motion carried unanimously.

- c) [Design Review #2016-29 and Conditional Use Permit 2016-04: Addition of antennas to existing wireless facility atop Dollar Mountain. Applicant: Steven Meyer, Powder River Development for American Tower Company and T-Mobile Wireless.](#)

Community Development Director Jae Hill provided a brief summary of the applications and explained that the design review is contingent upon the approval of the conditional use permit. Hill provided a legal overview of cell towers and collocations.

Steven Meyer, representing Powder River Development, which represents both American Towers and T-Mobile, presented the project.

Vice-Chairman Provonsha asked about the height of the tower. Meyer answered the tower will be 30 feet above grade, which will not change with the project as the existing tower will remain the same as existing. Meyer stated the total height with the antenna is 36 feet.

Commissioner O'Connor asked about expected changes in cell service with the new antennas. Meyer answered that T-Mobile's new technology offers better penetration through buildings as well as cars

and will also cover more distance. He explained the new antennas are expected to provide cell service all the way to Galena Lodge.

Vice-Chairman Provonsha asked about the potential reflectivity of the new antenna. Meyer answered that the antennas will be painted to match the existing structure.

Commissioner O'Connor asked about rental payments to Sun Valley Company as the tower is located on their property. Meyer answered that American Towers leases the land from the Sun Valley Company.

Community Development Director Jae Hill noted that while the proposal increases the massing of the tower, the collocation is positive as it does not require the construction of any new additional towers.

MOTION

Commissioner Newland moved to approve Conditional Use Permit Application No. 2016-04, approving the collocation of new antennas on an existing wireless communications facility, pursuant to the Findings of Fact and Conditions of Approval, seconded by Commissioner O'Connor. All in favor. The motion carried unanimously.

Commissioner Newland moved to approve Design Review Application No. 2016-29, approving the collocation of new antennas on an existing wireless communications facility, pursuant to the Findings of Fact and Conditions of Approval, seconded by Commissioner O'Connor. All in favor. The motion carried unanimously.

- d) [Design Review #2016-30: Installation of 32 new solar panels and relocation of 3 thermal panels on an existing single-family residence at 700 Fairway Rd. Applicant: Jolyon H. Sawrey, AIA for Maud Alison Long Trust. Location: Upper Fairway Subdivision No. 2 Lot 20.](#)

Community Development Director Jae Hill noted that typically solar panel installation projects would be approved administratively, but the Commissioners specifically requested to review this project as they had recently approved an addition on the residence. Jolyon Sawrey, architect for the applicant, presented the project. He noted the location of the panels on the roof plan. Sawrey went on to describe the view assessment noting his finding that adjacent neighbors would not be visually impacted by the solar panel installation project.

Billy Mann, owner of Sagebrush Solar, described the technical aspects of the solar panel installation. He explained that the system will generate 16,000 kilowatt hours a year and will meet 75% of the owner's demand. Commissioner Newland asked about energy storage. Mann explained that Idaho Power has a net metering system with a grid for the surplus energy.

Community Development Director Jae Hill noted that the City Council passed a resolution to waive design review and building permit fees for solar panel installation until August 15th in order to incentivize this alternative energy source throughout the City.

Commissioner O'Connor asked about the color and reflectivity of the panels. Mann explained that the panels are relatively unreflective compared to other exterior materials on the structure. Vice-Chairman Provonsha noted that the landscaping provides adequate screening for the panels.

Commissioner Newland asked about the weight of the panels. Mann answered the panels weighed 3 pounds per square foot. Sawrey explained that they will coordinate with a structural engineer to ensure that snow load is adequate.

Mann described how the plans met Fire Department requirements regarding setbacks and signage. Sawrey pointed out the location of meter on the plans and explained that the existing doghouse will provide adequate screening.

Community Development Director Jae Hill noted that the department hopes for an increase in solar panel installation applications, but subsequent projects will be reviewed administratively.

Vice-Chairman Provonsha asked about how the solar panels attach to the roof. Sawrey responded that the panels attach to the metal standing seam with a clamp and that installation does not require roof penetration.

Commissioner Newland expressed concern regarding loading with older structures in the City and that structural engineering should be considered for future administrative applications. She stated that all meters installed with solar panel projects should meet screening requirements. Community Development Director Jae Hill explained that both of these concerns would be addressed through the administrative design review and building permit processes.

MOTION

Commissioner O'Connor moved to approve Design Review Application No. 2016-30, to allow for the installation of 32 photovoltaic panels and the relocation of 3 existing thermal panels, pursuant to the Findings of Fact and Conditions of Approval, seconded by Commissioner Newland. All in favor. The motion carried unanimously.

6. [Discussion Items](#)

a) [Discussion of scheduling proposed rezones to meet compliance with new Comprehensive Plan](#)

Community Development Director Jae Hill noted that following the adoption of the Future Land Use Map adopted with the 2015 Comprehensive Plan Update, many parcels currently zoned OR-1 must be rezoned. Beginning in August, the Commission will be reviewing rezone applications for parcels currently zoned OR-1 in order to make the City's Zoning Map consistent with the Future Land Use Map.

Community Development Director Jae Hill summarized agenda items scheduled for the July 14th meeting, which include a proposed floodplain ordinance, a proposed ordinance regarding plat amendments and common area, as well as a discussion regarding what types of projects can be exempt from design review or administrative without notice. He noted that the July 14th meeting will be solely legislative and housekeeping items and the July 28th meeting agenda includes the 5 Golf Lane application and a cell tower colocation.

MOTION

Commissioner O'Connor moved to adjourn, seconded by Commissioner Newland. All in favor. The motion carried unanimously.

The meeting adjourned at 11:00 am.

Jake Provonsha, Vice-Chairman

Alissa Weber, City Clerk

**CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
AGENDA REPORT**

To: City of Sun Valley Planning & Zoning Commission
From: Abby Rivin, CFM, Associate Planner
Meeting Date: 14 July 2016
RE: Flood Hazard Protection Ordinance

On April 27th, 2016, the Community Development Department participated in a Community Assistance Visit with the State National Flood Insurance Program (NFIP) Coordinator. The City of Sun Valley participates in the National Flood Insurance Program as well as the Community Rating System Program. The NFIP aims to reduce the impact of flooding through flood hazard identification, floodplain management including regulations such as building codes and zoning, and the provision of low-cost insurance for property owners in participating communities. Because of the City's participation in the CRS program, citizens who reside in the 100 year floodplain receive a 10% reduction on their insurance premiums.

A Community Assistance Visit (CAV) is intended to assess the community's need for technical assistance and serve as an opportunity for assessing the effectiveness of local floodplain ordinances and enforcement practices. A CAV consists of a tour of the floodplain, an inspection of community permit files, and meetings with local officials. One of the required tasks following the CAV in order to maintain the City's participation in the NFIP includes updating *Article I. Flood Hazards Protection* of the Development Code with the new state model ordinance.

The new floodplain ordinance adds new and modifies existing definitions for terms related to floodplain management in Sun Valley Municipal Code § 9-1C-1. The ordinance adds penalties for violation of floodplain regulations including fines and imprisonment. The new model ordinance establishes specific duties and responsibilities for the Floodplain Administrator including reviewing all floodplain development applications and issuing permits. Specific requirements for floodplain development applications, permits, and corrective procedures are standardized in the new model ordinance.

While §9-5B-8 and 10 of Sun Valley Municipal Code establishes procedures for variance requests, the new Flood Hazard Protection ordinance establishes specific provisions for variances within the floodplain. General standards for flood hazard protection are included in the new regulations including provisions for anchoring, flood damage-resistant materials requirements, and flood openings. Specific standards in the new ordinance include regulations for both residential and non-residential construction, additions/improvements, recreational vehicles, as well as below-grade crawlspace construction.

The new Flood Hazard Protection ordinance also establishes standards for floodplains without established base flood elevations. The new Flood Hazard Protection Ordinance establishes a 2 foot freeboard requirement. Freeboard is an established requirement in feet above the Base Flood Elevation to compensate for unknown factors like debris and ice jams that may contribute to greater flood heights. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE).

RECOMMENDATION: Staff recommends approval of Ordinance No. XXX: An Ordinance of the City of Sun Valley, Idaho, Amending Title 9, Chapter 3, Article I of the Sun Valley Municipal Code Regarding Flood Hazard Protection.

RECOMMENDED MOTION: "I move to recommend approval to the City Council of Ordinance No. XXX: Amending Title 9, Chapter 3, Article I and Chapter 5, Article B, Section 10 of the Sun Valley Municipal Code Regarding Flood Hazard Protection and adding and amending definitions to Title 9, Chapter 1, Article C."

ALTERNATIVE ACTIONS: Amend the Ordinance, and recommend approval as amended; or direct Staff to return with additional information/changes.

ATTACHMENTS:

1. Ordinance No. XXX Amending Title 9, Chapter 3, Article I and Chapter 5, Article B, Section 10 of the Sun Valley Municipal Code Regarding Flood Hazard Protection and adding and amending definitions to Title 9, Chapter 1, Article C.

41 of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry
42 land areas, as when earth is carried by a current of water and deposited along the path of the
43 current.

44 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion
45 or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly
46 caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by
47 an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual
48 and unforeseeable event which results in flooding as defined in paragraph 1.a. of this definition.

49
50 FLOOD INSURANCE RATE MAP (FIRM): The official map on which the federal insurance administration has
51 delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
52 A FIRM that has been available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

53
54 ~~FLOOD INSURANCE STUDY: The official report provided by the federal insurance administration that~~
55 ~~includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base~~
56 ~~flood. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding~~
57 ~~water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow)~~
58 ~~and/or flood-related erosion hazards.~~

59
60 ~~FLOOD PROTECTION ELEVATION (FPE): An elevation that corresponds to the elevation of the one percent~~
61 ~~(1%) chance annual flood (base flood), plus any increase in flood elevation due to floodway encroachment,~~
62 ~~plus one foot (1') of freeboard. Therefore the FPE for Sun Valley is equal to BFE plus floodway elevation (if~~
63 ~~present) plus freeboard. The Base Flood Elevation plus the Freeboard.~~

64 a. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined,
65 this elevation shall be the BFE plus 2 feet of freeboard; and

66 b. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be
67 at least 2 feet above the highest adjacent grade.

68
69 STRUCTURE: Includes buildings, signs, fences, and other improvements, or any portion thereof,
70 constructed, erected, built, installed or placed upon any real property. A walled and roofed building,
71 including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

72
73 ~~SUBSTANTIAL IMPROVEMENT: A. Any repair, reconstruction or improvement of a structure, the cost of~~
74 ~~which equals or exceeds fifty percent (50%) of the market value of the structure either:~~

75 ~~1. Before the improvement or repair is started; or~~

76 ~~2. If the structure has been damaged and is being restored, before the damage occurred.~~

77 ~~B. For the purposes of this definition, substantial improvement is considered to occur when the first~~
78 ~~alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that~~
79 ~~alteration affects the external dimensions of the structure.~~

80 ~~C. The term does not, however, include either:~~

81 ~~1. Any project for improvement of a structure to comply with existing state or local health, sanitary~~
82 ~~or safety code specifications which are solely necessary to assure safe living conditions; or~~
83 ~~2. Any alteration of a structure listed on the national register of historic places or a state inventory~~
84 ~~of historic places.~~

85 before the “start of construction” of the improvement. This term includes structures which have incurred
86 “substantial damage”, regardless of the actual repair work performed. The term does not, however, include
87 either:

88 1. Any project for improvement of a structure to correct existing violations of state or local
89 health, sanitary, or safety code specifications which have been identified by the local code
90 enforcement official and which are the minimum necessary to assure safe living conditions; or

91 2. Any alteration of a “historic structure”, provided that the alteration will not preclude the
92 structure’s continued designation as a “historic structure” and the alteration is approved by
93 variance issued pursuant to this ordinance.

94

95 SECTION 2. The following definitions will be added to Title 9, Chapter 1, Article C, Section 1:

96

97 ADDITION (to an existing building): An extension or increase in the floor area or height of a building or
98 structure.

99

100 APPEAL: A request for review of the Floodplain Administrator's interpretation of provisions of this ordinance
101 or request for a variance.

102

103 CRITICAL FACILITIES: Facilities that are vital to flood response activities or critical to the health and safety
104 of the public before, during, and after a flood, such as a hospital, emergency operations center, electric
105 substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or
106 shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as
107 a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

108

109 ELEVATED BUILDING: For insurance purposes, a non-basement building which has its lowest elevated floor
110 raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

111

112 ELEVATION CERTIFICATE: The Elevation Certificate is an important administrative tool of the NFIP. It is used
113 to determine the proper flood insurance premium rate; it is used to document elevation information
114 necessary to ensure compliance with community floodplain management regulations; and it may be used
115 to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-
116 F).

117

118 ENCLOSURE: An area enclosed by solid walls below the BFE/FPE or an area formed when any space below
119 the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to
120 surround space below the BFE/RFPE is not considered an enclosure.

121
122 FLOODPLAIN DEVELOPMENT PERMIT: Any type of permit that is required in conformance with the
123 provisions of this ordinance, prior to the commencement of any development activity.

124
125 FREEBOARD: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain
126 management. Freeboard tends to compensate for the many unknown factors that could contribute to flood
127 heights greater than the height calculated for a selected size flood and floodway conditions, such as wave
128 action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a
129 watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation
130 (FPE). Freeboard shall be {insert number} of feet.

131
132 FUNCTIONALLY DEPENDENT USE: A facility that cannot be used for its intended purpose unless it is located
133 or carried out in close proximity to water, such as a docking or port facility necessary for the loading and
134 unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term
135 storage, manufacture, sales, or service facilities.

136
137 NATIONAL FLOOD INSURANCE PROGRAM (NFIP): The NFIP is a Federal program created by Congress to
138 mitigate future flood losses nationwide through sound, community-enforced building and zoning
139 ordinances and to provide access to affordable, federally backed flood insurance protection for property
140 owners.

141
142 VARIANCE: A grant of relief by the governing body from a requirement of this ordinance.

143
144 VIOLATION: The failure of a structure or other development to be fully compliant with the community's
145 floodplain management regulations. A structure or other development without the Finished Construction
146 Elevation Certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4),
147 (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is
148 provided.

149
150 SECTION 3. Title 9, Chapter 3, Article I [Flood Hazard Protection] and Chapter 5, Article B, Section 10 of the
151 Municipal Code of the City of Sun Valley shall be deleted and replaced as Title 9, Chapter 3, Article I Flood
152 Hazard Protection, with the following sections:

153
154 **9-3I-1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES**

155
156 **A. Statutory Authority**

157
158 The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020 through 46-1024,
159 authorizes local governments to adopt floodplain management ordinances that identify

160 floodplains and minimum floodplain development standards to minimize flood hazards and
161 protect human life, health, and property.

162

163 **B. Findings of Fact**

164

165 1. The flood hazard areas of the City of Sun Valley are subject to periodic inundation that
166 results in:

- 167 a. loss of life and property;
- 168 b. health and safety hazards;
- 169 c. disruption of commerce and governmental services;
- 170 d. extraordinary public expenditures for flood relief and protection; and
- 171 e. impairment of the tax base, all of which adversely affect the public health, safety,
172 and general welfare.

173

174 2. These flood losses are caused by structures in flood hazard areas, which are inadequately
175 elevated, flood-proofed, or otherwise unprotected from flood damages, and by the
176 cumulative effect of obstructions in floodplains causing increases in flood heights and
177 velocities.

178

179 3. Local government units have the primary responsibility for planning, adopting, and
180 enforcing land use regulations to accomplish proper floodplain management.

181

182 **C. Statement of Purpose**

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184 The purpose of this ordinance is to promote public health, safety, and general welfare and to
185 minimize public and private losses due to flood conditions in specific areas by provisions designed
186 to:

187

- 188 1. Protect human life, health, and property;
- 189
- 190 2. Minimize damage to public facilities and utilities such as water purification and sewage
191 treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and
192 bridges located in floodplains;
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- 194 3. Help maintain a stable tax base by providing for the sound use and development of flood
195 prone areas;

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197 4. Minimize expenditure of public money for costly flood control projects;
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199 5. Minimize the need for rescue and emergency services associated with flooding, generally
200 undertaken at the expense of the general public;
201
202 6. Minimize prolonged business interruptions;
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204 7. Ensure potential buyers are notified the property is in an area of special flood hazard; and
205
206 8. Ensure those who occupy the areas of special flood hazard assume responsibility for their
207 actions.
208

209 **D. Objectives and Methods of Reducing Flood Losses**
210

211 In order to accomplish its purpose, this ordinance includes methods and provisions to:
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- 213 1. Require that development which is vulnerable to floods, including structures and facilities
214 necessary for the general health, safety, and welfare of citizens, be protected against
215 flood damage at the time of initial construction;
216
217 2. Restrict or prohibit uses which are dangerous to health, safety, and property due to water
218 or erosion hazards, or which increase flood heights, velocities, or erosion;
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220 3. Control filling, grading, dredging, and other development which may increase flood
221 damage or erosion;
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223 4. Prevent or regulate the construction of flood barriers that will unnaturally divert flood
224 waters or that may increase flood hazards to other lands;
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226 5. Preserve and restore natural floodplains, stream channels, and natural protective barriers
227 which carry and store flood waters.
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229 **9-31-2. GENERAL PROVISIONS**
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231 **A. Lands to Which This Ordinance Applies**

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This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Sun Valley. Nothing in this ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

B. Basis for Special Flood Hazard Areas

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Blaine County, Idaho and Incorporated Areas, dated November 26, 2010, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at City Hall, 81 Elkhorn Rd, Sun Valley, ID 83353.

C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of §9-31-3B.

D. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions

This ordinance shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this ordinance and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

F. Interpretation

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

- 268 1. Considered as minimum requirements;
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270 2. Liberally construed in favor of the governing body; and
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272 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
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274 **G. Warning and Disclaimer of Liability**
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276 The degree of flood protection required by this ordinance is considered reasonable for regulatory
277 purposes and is based on scientific and engineering considerations. Larger floods can and will
278 occur. Flood heights may be increased by man-made or natural causes. This ordinance does not
279 imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will
280 be free from flooding or flood damages. This ordinance shall not create liability on the part of
281 City of Sun Valley or by any officer or employee thereof for flood damages that result from
282 reliance on this ordinance or an administrative decision lawfully made hereunder.
283

284 **H. Penalties for Violation**
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286 No structure or land shall hereafter be located, extended, converted, or altered unless in full
287 compliance with the terms of this ordinance and other applicable regulations.
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289 Violation of the provisions of this ordinance or failure to comply with any of its requirements,
290 including violation of conditions and safeguards established in connection with grants of variance
291 or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or
292 fails to comply with any of its requirements shall, upon conviction thereof, be fined not more
293 than \$_____ (*\$100 recommended*) or imprisoned for not more than 180 days, or both. Each day
294 the violation continues shall be considered a separate offense. Nothing herein contained shall
295 prevent the City of Sun Valley from taking such other lawful actions as is necessary to prevent or
296 remedy any violation.
297

298 **9-3I-3: ADMINISTRATION**
299

300 **A. Designation of Floodplain Ordinance Administrator**
301

302 The Community Development Director, hereinafter referred to as the “Floodplain
303 Administrator”, is hereby appointed to administer and implement the provisions of this
304 ordinance.

305

306 **B. Duties and Responsibilities of the Floodplain Administrator**

307

308 The Floodplain Administrator shall perform, but not be limited to, the following duties:

309

310 1. Review all floodplain development applications and issue permits for all proposed
311 development within Special Flood Hazard Areas to assure that the requirements of this
312 ordinance have been satisfied.

313

314 2. Review all proposed development within Special Flood Hazard Areas to assure that all
315 necessary Local, State, and Federal permits have been received, including Section 404 of
316 the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

317

318 3. Notify adjacent communities and the Idaho Department of Water Resources State
319 Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or
320 relocation of a watercourse and submit evidence of such notification to the Federal
321 Emergency Management Agency (FEMA).

322

323 4. Assure that maintenance is provided within the altered or relocated portion of said
324 watercourse so that the flood-carrying capacity is maintained.

325

326 5. Prevent encroachments into floodways and flood fringe areas unless the certification and
327 flood hazard reduction provisions of Article V, Section E are met.

328

329 6. Obtain actual elevation (in relation to mean sea level) of the reference level (including
330 basement) and all attendant utilities of all new and substantially improved structures, in
331 accordance with the provisions of §9-31-3C.3.

332

333 7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially
334 improved structures and utilities have been floodproofed, in accordance with the
335 provisions of §9-31-3C.3.

336

- 337 8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance
338 with the provisions of §9-3I-3C.3.
339
- 340 9. When floodproofing is utilized for a particular structure, obtain certifications from a
341 registered professional engineer or architect in accordance with the provisions of §9-3I-
342 3C.3 and §9-3I-4B.2.
343
- 344 10. Where interpretation is needed as to the exact location of boundaries of the Special Flood
345 Hazard Areas, floodways, or flood fringe areas (for example, where there appears to be a
346 conflict between a mapped boundary and actual field conditions), make the necessary
347 interpretation. The person contesting the location of the boundary shall be given a
348 reasonable opportunity to appeal the interpretation as provided in this article.
349
- 350 11. When Base Flood Elevation (BFE) data has not been provided in accordance with the
351 provisions of § 9-3I-2B obtain, review, and reasonably utilize any BFE data, along with
352 floodway data or flood fringe area data available from a Federal, State, or other source,
353 including data developed pursuant to §9-3I-4C.2b, in order to administer the provisions
354 of this ordinance.
355
- 356 12. When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area
357 data has been provided in accordance with the provisions of §9-3I-2B, obtain, review, and
358 reasonably utilize any floodway data or flood fringe area data available from a Federal,
359 State, or other source in order to administer the provisions of this ordinance.
360
- 361 13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground
362 elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood
363 Elevation (BFE), advise the property owner of the option to apply for a Letter of Map
364 Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the
365 floodplain development permit file.
366
- 367 14. Permanently maintain all records that pertain to the administration of this ordinance and
368 make these records available for public inspection, recognizing that such information may
369 be subject to the Privacy Act of 1974, as amended.
370
- 371 15. Make on-site inspections of work in progress. As the work pursuant to a floodplain
372 development permit progresses, the Floodplain Administrator shall make as many

373 inspections of the work as may be necessary to ensure that the work is being done
374 according to the provisions of the local ordinance and the terms of the permit. In
375 exercising this power, the Floodplain Administrator has a right, upon presentation of
376 proper credentials, to enter on any premises within the jurisdiction of the community at
377 any reasonable hour for the purposes of inspection or other enforcement action.

378
379 16. Issue stop-work orders as required. Whenever a building or part thereof is being
380 constructed, reconstructed, altered, or repaired in violation of this ordinance, the
381 Floodplain Administrator may order the work to be immediately stopped. The stop-work
382 order shall be in writing and directed to the person doing or in charge of the work. The
383 stop-work order shall state the specific work to be stopped, the specific reason(s) for the
384 stoppage, and the condition(s) under which the work may be resumed. Violation of a
385 stop-work order constitutes a misdemeanor.

386
387 17. Revoke floodplain development permits as required. The Floodplain Administrator may
388 revoke and require the return of the floodplain development permit by notifying the
389 permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked
390 for any substantial departure from the approved application, plans, and specifications;
391 for refusal or failure to comply with the requirements of State or local laws; or for false
392 statements or misrepresentations made in securing the permit. Any floodplain
393 development permit mistakenly issued in violation of an applicable State or local law may
394 also be revoked.

395
396 18. Make periodic inspections throughout the Special Flood Hazard Areas within the
397 jurisdiction of the community. The Floodplain Administrator and each member of his or
398 her inspections department shall have a right, upon presentation of proper credentials,
399 to enter on any premises within the territorial jurisdiction of the department at any
400 reasonable hour for the purposes of inspection or other enforcement action.

401
402 19. Follow through with corrective procedures of §9-3I-3D.

403
404 20. Review, provide input, and make recommendations for variance requests.

405
406 21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and
407 other official flood maps, and studies adopted in accordance with the provisions of §9-3I-
408 2B of this ordinance, including any revisions thereto including Letters of Map Change,

409 issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's
410 mapping needs.

411

412 22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on
413 Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

414

415 **C. Floodplain Development Application, Permit, and Certification Requirements**

416

417 1. Application Requirements. Application for a Floodplain Development Permit shall be
418 made to the Floodplain Administrator prior to any development activities located within
419 Special Flood Hazard Areas. The following items shall be presented to the Floodplain
420 Administrator to apply for a floodplain development permit:

421 a. A plot plan drawn to scale which shall include, but shall not be limited to, the
422 following specific details of the proposed floodplain development:

423 i. the nature, location, dimensions, and elevations of the area of
424 development/disturbance; existing and proposed structures, utility
425 systems, grading/pavement areas, fill materials, storage areas, drainage
426 facilities, and other development;

427 ii. the boundary of the Special Flood Hazard Area as delineated on the FIRM
428 or other flood map as determined in §9-3I-2B, or a statement that the
429 entire lot is within the Special Flood Hazard Area;

430 iii. the flood zone(s) designation of the proposed development area as
431 determined on the FIRM or other flood map as determined in §9-3I-2B A;

432 iv. the boundary of the floodway(s) or flood fringe area(s) as determined in
433 §9-3I-2B;

434 v. the Base Flood Elevation (BFE) where provided as set forth in §9-3I-2B; §9-
435 3I-2C; or §9-3I-4C;

436 vi. the old and new location of any watercourse that will be altered or
437 relocated as a result of proposed development; and

438 vii. the certification of the plot plan by a registered land surveyor or
439 professional engineer.

440 b. Proposed elevation, and method thereof, of all development within a Special
441 Flood Hazard Area including but not limited to:

442 i. Elevation in relation to mean sea level of the proposed reference level
443 (including basement) of all structures;

- 444 ii. Elevation in relation to mean sea level to which any non-residential
445 structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and
446 iii. Elevation in relation to mean sea level to which any proposed utility
447 systems will be elevated or floodproofed.
- 448 c. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with
449 supporting data, an operational plan, and an inspection and maintenance plan
450 that include, but are not limited to, installation, exercise, and maintenance of
451 floodproofing measures.
- 452 d. A Foundation Plan, drawn to scale, which shall include details of the proposed
453 foundation system to ensure all provisions of this ordinance are met. These details
454 include but are not limited to:
- 455 i. The proposed method of elevation, if applicable (i.e., fill, solid foundation
456 perimeter wall, solid backfilled foundation, open foundation, or on
457 columns/posts/piers/piles/shear walls); and
458 ii. Openings to facilitate automatic equalization of hydrostatic flood forces on
459 walls in accordance with §9-31-4B.d.i-vi when solid foundation perimeter
460 walls are used in Zones A, AE, AH, AO, and A1-30.
- 461 e. Usage details of any enclosed areas below the lowest floor.
- 462 f. Plans and/or details for the protection of public utilities and facilities such as
463 sewer, gas, electrical, and water systems to be located and constructed to
464 minimize flood damage.
- 465 g. Certification that all other Local, State, and Federal permits required prior to
466 floodplain development permit issuance have been received.
- 467 h. Documentation for placement of recreational vehicles and/or temporary
468 structures, when applicable, to ensure that the provisions of §9-31-4B.6 and 7 of
469 this ordinance are met.
- 470 i. A description of proposed watercourse alteration or relocation, when applicable,
471 including an engineering report on the effects of the proposed project on the
472 flood-carrying capacity of the watercourse and the effects to properties located
473 both upstream and downstream; and
474 i. A map (if not shown on plot plan) showing the location of the proposed
475 watercourse alteration or relocation.
- 476
- 477 2. Permit Requirements. The Floodplain Development Permit shall include, but not be
478 limited to:

- 479 a. A complete description of all the development to be permitted under the
480 floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana,
481 pole barn, chicken coop, pier, bridge, mining, dredging, filling, grading, paving,
482 excavation or drilling operations, or storage of equipment or materials, etcetera).
- 483 b. The Special Flood Hazard Area determination for the proposed development in
484 accordance with available data specified in §9-3I-2B.
- 485 c. The Flood Protection Elevation required for the reference level and all attendant
486 utilities.
- 487 d. The Flood Protection Elevation required for the protection of all public utilities.
- 488 e. All certification submittal requirements with timelines.
- 489 f. A statement that no fill material or other development shall encroach into the
490 floodway or flood fringe area of any watercourse, as applicable.
- 491 g. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.
- 492 h. All floodplain development permits shall be conditional upon the start of
493 construction of work within 180 days. A floodplain development permit shall
494 expire 180 days after issuance unless the permitted activity has commenced as
495 per the Start of Construction definition.
- 496 i. A statement of the limitations of below BFE enclosure uses, if applicable. (i.e.,
497 parking, building access and limited storage only).
- 498 j. A statement that all materials below BFE/FPE must be flood resistant materials.
- 499
- 500 3. Certification Requirements.
- 501 a. Elevation Certificates
- 502 i. An Elevation Certificate (FEMA Form 86-0-33) is required prior to the
503 actual start of any new construction. It shall be the duty of the permit
504 holder to submit to the Floodplain Administrator a certification of the
505 elevation of the reference level, in relation to mean sea level. The
506 Floodplain Administrator shall review the certificate data submitted.
507 Deficiencies detected by such review shall be corrected by the permit
508 holder prior to the beginning of construction. Failure to submit the
509 certification or failure to make required corrections shall be cause to deny
510 a floodplain development permit. (STATE RECOMMENDED BUT OPTIONAL)
- 511 ii. An Elevation Certificate (FEMA Form 86-0-33) is required after the
512 reference level is established. Within seven (7) calendar days of
513 establishment of the reference level elevation, it shall be the duty of the
514 permit holder to submit to the Floodplain Administrator a certification of

515 the elevation of the reference level, in relation to mean sea level. Any
516 work done within the seven (7) day calendar period and prior to
517 submission of the certification shall be at the permit holder's risk. The
518 Floodplain Administrator shall review the certificate data submitted.
519 Deficiencies detected by such review shall be corrected by the permit
520 holder immediately and prior to further work being permitted to proceed.
521 Failure to submit the certification or failure to make required corrections
522 shall be cause to issue a stop-work order for the project. (STATE

523 **RECOMMENDED BUT OPTIONAL)**

524 iii. A final as-built Finished Construction Elevation Certificate (FEMA Form 86-
525 0-33) is required after construction is completed and prior to Certificate of
526 Compliance/Occupancy issuance. It shall be the duty of the permit holder
527 to submit to the Floodplain Administrator a certification of final as-built
528 construction of the elevation of the reference level and all attendant
529 utilities. The Floodplain Administrator shall review the certificate data
530 submitted. Deficiencies detected by such review shall be corrected by the
531 permit holder immediately and prior to Certificate of
532 Compliance/Occupancy issuance. In some instances, another certification
533 may be required to certify corrected as-built construction. Failure to
534 submit the certification or failure to make required corrections shall be
535 cause to withhold the issuance of a Certificate of Compliance/Occupancy.

536 *(The Finished Construction Elevation Certificate certifier shall*
537 *provide at least two (2) photographs showing the front and rear of the*
538 *building taken within 90 days from the date of certification. The*
539 *photographs must be taken with views confirming the building description*
540 *and diagram number provided in Section A. To the extent possible, these*
541 *photographs should show the entire building including foundation. If the*
542 *building has split-level or multi-level areas, provide at least two (2)*
543 *additional photographs showing side views of the building. In addition,*
544 *when applicable, provide a photograph of the foundation showing a*
545 *representative example of the flood openings or vents. All photographs*
546 *must be in color and measure at least 3" x 3". Digital photographs are*
547 *acceptable. OPTIONAL language)*

548 **(THE FEMA ELEVATION CERTIFICATE IS OPTIONAL FOR FLOODPLAIN**
549 **MANAGEMENT ELEVATION DATA, BUT IS STATE RECOMMENDED. THE USE**

OF THE FEMA ELEVATION CERTIFICATE IS REQUIRED FOR THE PURCHASE OF FLOOD INSURANCE, AND IS MANDATORY FOR CRS PARTICIPATION.)

- b. Floodproofing Certificate. If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- c. If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of §9-31-4B.3.b.
- d. If a watercourse is to be altered or relocated, the following shall all be submitted by the permit applicant prior to issuance of a floodplain development permit:
- i. a description of the extent of watercourse alteration or relocation; and
 - ii. a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 - iii. a map showing the location of the proposed watercourse alteration or relocation; and
 - iv. an Idaho Stream Channel Alteration Permit approval shall be provided by the applicant to the Floodplain Administrator.
- e. Certification Exemptions. The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items a and b of this subsection:
- i. Recreational Vehicles meeting requirements of §9-31-4B.6.a;
 - ii. Temporary Structures meeting requirements of §9-31-4B.7A; and

586 iii. Accessory Structures less than 200 square feet meeting requirements of
587 §9-31-4B.8.

588
589 4. Determinations for Existing Buildings and Structures. For applications for building permits
590 to improve buildings and structures, including alterations, movement, enlargement,
591 replacement, repair, change of occupancy, additions, rehabilitations, renovations,
592 substantial improvements, repairs of substantial damage, and any other improvement of
593 or work on such buildings and structures, the Floodplain Administrator, in coordination
594 with the Building Official, shall:

- 595 a. Estimate the market value, or require the applicant to obtain an appraisal of the
596 market value prepared by a qualified independent appraiser, of the building or
597 structure before the start of construction of the proposed work. In the case of
598 repair, the market value of the building or structure shall be the market value
599 before the damage occurred and before any repairs are made;
- 600 b. Compare the cost to perform the improvement, the cost to repair a damaged
601 building to its pre-damaged condition, or the combined costs of improvements
602 and repairs, if applicable, to the market value of the building or structure;
- 603 c. Determine and document whether the proposed work constitutes substantial
604 improvement or repair of substantial damage; and
- 605 d. Notify the applicant if it is determined that the work constitutes substantial
606 improvement or repair of substantial damage and that compliance with the flood
607 resistant construction requirements of the adopted Idaho Building Code and this
608 ordinance is required.

609
610 **D. Corrective Procedures**

611
612 1. Violations to be Corrected. When the Floodplain Administrator finds violations of
613 applicable State and local laws, it shall be his or her duty to notify the owner or occupant
614 of the building of the violation. The owner or occupant shall immediately remedy each
615 of the violations of law cited in such notification.

616
617 2. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property
618 shall fail to take prompt corrective action, the Floodplain Administrator shall give the
619 owner written notice, by certified or registered mail to the owner's last known address or
620 by personal service, stating:

- 621 a. that the building or property is in violation of the floodplain management
- 622 regulations;
- 623 b. that a hearing will be held before the Floodplain Administrator at a designated
- 624 place and time, not later than ten (10) days after the date of the notice, at which
- 625 time the owner shall be entitled to be heard in person or by counsel and to present
- 626 arguments and evidence pertaining to the matter; and
- 627 c. that following the hearing, the Floodplain Administrator may issue an order to
- 628 alter, vacate, or demolish the building; or to remove fill as applicable.

629

630 3. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed

631 above, the Floodplain Administrator shall find that the building or development is in

632 violation of the Flood Hazard Protection Ordinance, he or she shall issue an order in

633 writing to the owner, requiring the owner to remedy the violation within a specified time

634 period, not less than sixty (60) calendar days, nor more than (___) calendar days. (*One-*

635 *hundred-eighty (180) calendar days or less is recommended*) Where the Floodplain

636 Administrator finds that there is imminent danger to life or other property, he or she may

637 order that corrective action be taken in such lesser period as may be feasible.

638

639 4. Appeal. Any owner who has received an order to take corrective action may appeal the

640 order to the local elected governing body by giving notice of appeal in writing to the

641 Floodplain Administrator and the clerk within ten (10) days following issuance of the final

642 order. In the absence of an appeal, the order of the Floodplain Administrator shall be

643 final. The local governing body shall hear an appeal within a reasonable time and may

644 affirm, modify and affirm, or revoke the order.

645

646 5. Failure to Comply with Order. If the owner of a building or property fails to comply with

647 an order to take corrective action for which no appeal has been made or fails to comply

648 with an order of the governing body following an appeal, the owner shall be guilty of a

649 misdemeanor and shall be punished at the discretion of the court.

650

651 **E. Variance Procedures**

652

653 1. The Planning & Zoning Commission, hereinafter referred to as the “appeal board”, shall

654 hear and decide requests for variances from the requirements of this ordinance.

655

656 2. Variances may be issued for:

- 657 a. the repair or rehabilitation of historic structures upon the determination that the
658 proposed repair or rehabilitation will not preclude the structure's continued
659 designation as a historic structure and that the variance is the minimum necessary
660 to preserve the historic character and design of the structure;
- 661 b. functionally dependent facilities, if determined to meet the definition as stated in
662 §9-1C-1, provided provisions of §9-3I-3E.9.b, c, and e, have been satisfied, and
663 such facilities are protected by methods that minimize flood damages during the
664 base flood and create no additional threats to public safety; or
- 665 c. any other type of development, provided it meets the requirements of this
666 Section.
- 667
- 668 3. In passing upon variances, the appeal board shall consider all technical evaluations, all
669 relevant factors, all standards specified in other sections of this ordinance, and:
- 670 a. the danger that materials may be swept onto other lands to the injury of others;
- 671 b. the danger to life and property due to flooding or erosion damage;
- 672 c. the susceptibility of the proposed facility and its contents to flood damage and the
673 effect of such damage on the individual owner;
- 674 d. the importance of the services provided by the proposed facility to the
675 community;
- 676 e. the necessity to the facility of a waterfront location as defined under §9-1C-1 of
677 Sun Valley Municipal Code as a functionally dependent facility, where applicable;
- 678 f. the availability of alternative locations, not subject to flooding or erosion damage,
679 for the proposed use;
- 680 g. the compatibility of the proposed use with existing and anticipated development;
- 681 h. the relationship of the proposed use to the comprehensive plan and floodplain
682 management program for that area;
- 683 i. the safety of access to the property in times of flood for ordinary and emergency
684 vehicles;
- 685 j. the expected heights, velocity, duration, rate of rise, and sediment transport of
686 the floodwaters and the effects of wave action, if applicable, expected at the site;
687 and
- 688 k. the costs of providing governmental services during and after flood conditions
689 including maintenance and repair of public utilities and facilities such as sewer,
690 gas, electrical and water systems, and streets and bridges.
- 691

- 692 4. The applicant shall include a written report addressing each of the above factors in §9-31-
693 3E.3.a-k with their application for a variance.
694
- 695 5. Upon consideration of the factors listed above and the purposes of this ordinance, the
696 appeal board may attach such conditions to the granting of variances as it deems
697 necessary to further the purposes and objectives of this ordinance.
698
- 699 6. Any applicant to whom a variance is granted shall be given written notice specifying the
700 difference between the Base Flood Elevation (BFE) and the elevation to which the
701 structure is to be built and that such construction below the BFE increases risks to life and
702 property, and that the issuance of a variance to construct a structure below the BFE will
703 result in increased premium rates for flood insurance up to \$25 per \$100 of insurance
704 coverage. Such notification shall be maintained with a record of all variance actions,
705 including justification for their issuance.
706
- 707 7. The Floodplain Administrator shall maintain the records of all appeal actions and report
708 any variances to the Federal Emergency Management Agency and the State of Idaho upon
709 request.
710
- 711 8. Conditions for Variances:
- 712 a. Variances shall not be issued when the variance will make the structure in
713 violation of other Federal, State, or local laws, regulations, or ordinances.
- 714 b. Variances shall not be issued within any designated floodway or flood fringe area
715 if the variance would result in any increase in flood levels during the base flood
716 discharge.
- 717 c. Variances shall only be issued upon a determination that the variance is the
718 minimum necessary, considering the flood hazard, to afford relief.
- 719 d. Variances shall only be issued prior to development permit approval.
- 720 e. Variances shall only be issued upon:
- 721 i. a showing of good and sufficient cause;
- 722 ii. a determination that failure to grant the variance would result in
723 exceptional hardship; and
- 724 iii. a determination that the granting of a variance will not result in increased
725 flood heights, additional threats to public safety, or extraordinary public
726 expense, create nuisance, cause fraud on or victimization of the public, or
727 conflict with existing local laws or ordinances.

- 728
- 729 9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste
730 management facilities, salvage yards, and chemical storage facilities that are located in
731 Special Flood Hazard Areas provided that all of the following conditions are met.
- 732 a. The use serves a critical need in the community.
 - 733 b. No feasible location exists for the use outside the Special Flood Hazard Area.
 - 734 c. The reference level of any structure is elevated or floodproofed to at least the
735 Flood Protection Elevation.
 - 736 d. The use complies with all other applicable Federal, State and local laws.
- 737
- 738 10. The City of Sun Valley will notify the State NFIP Coordinator of the Idaho Department of
739 Water Resources of its intention to grant a variance at least thirty (30) calendar days prior
740 to granting the variance.
- 741
- 742 11. Any person aggrieved by the decision of the appeal board may appeal such decision to
743 the Court, as provided in Idaho Code 67-6535.
- 744

745 **9-3I-4: PROVISIONS FOR FLOOD HAZARD REDUCTION**

746 **A. General Standards**

747 In all Special Flood Hazard Areas the following provisions are required:

- 748
- 749
- 750
- 751 1. All new construction and substantial improvements shall be designed (or modified) and
752 adequately anchored to prevent flotation, collapse, and lateral movement of the
753 structure.
 - 754
 - 755 2. All new construction and substantial improvements shall be constructed with materials
756 and utility equipment resistant to flood damage in accordance with the Technical Bulletin
757 2, Flood Damage-Resistant Materials Requirements, and available from the Federal
758 Emergency Management Agency.
 - 759
 - 760 3. All new construction and substantial improvements shall be constructed by methods and
761 practices that minimize flood damages.
 - 762

- 763 4. All new and replacement electrical, heating, ventilation, plumbing, air conditioning
764 equipment, and other service facilities shall be designed and/or located so as to prevent
765 water from entering or accumulating within the components during conditions of flooding
766 to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment,
767 water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes,
768 utility/cable boxes, hot water heaters, and electric outlets/switches.
769
- 770 5. All new and replacement water supply systems shall be designed to minimize or eliminate
771 infiltration of floodwaters into the system.
772
- 773 6. All new and replacement sanitary sewage systems shall be designed to minimize or
774 eliminate infiltration of floodwaters into the systems and discharges from the systems
775 into flood waters.
776
- 777 7. On-site waste disposal systems shall be located and constructed to avoid impairment to
778 them or contamination from them during flooding.
779
- 780 8. A fully enclosed area, of new construction and substantially improved structures, which
781 is below the lowest floor shall:
- 782 a. be constructed entirely of flood resistant materials at least to the Flood Protection
783 Elevation; and
 - 784 b. include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically
785 equalize hydrostatic flood forces on walls by allowing for the entry and exit of
786 floodwaters. To meet this requirement, the openings must either be certified by
787 a professional engineer or architect or meet or exceed the following minimum
788 design criteria:
 - 789 i. A minimum of two flood openings on different sides of each enclosed area
790 subject to flooding;
 - 791 ii. The total net area of all flood openings must be at least one (1) square inch
792 for each square foot of enclosed area subject to flooding;
 - 793 iii. If a building has more than one enclosed area, each enclosed area must
794 have flood openings to allow floodwaters to automatically enter and exit;
 - 795 iv. The bottom of all required flood openings shall be no higher than one (1)
796 foot above the interior or exterior adjacent grade;

- 797 v. Flood openings may be equipped with screens, louvers, or other coverings
798 or devices, provided they permit the automatic flow of floodwaters in both
799 directions; and
- 800 vi. Enclosures made of flexible skirting are not considered enclosures for
801 regulatory purposes, and, therefore, do not require flood openings.
802 Masonry or wood underpinning, regardless of structural status, is
803 considered an enclosure and requires flood openings as outlined above.
804
- 805 9. Any alteration, repair, reconstruction, or improvements to a structure, which is in
806 compliance with the provisions of this ordinance, shall meet the requirements of “new
807 construction” as contained in this ordinance.
808
- 809 10. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a
810 building or structure existing on the effective date of this ordinance and located totally or
811 partially within the floodway, flood fringe area, or stream setback, provided there is no
812 additional encroachment below the Flood Protection Elevation in the floodway, flood
813 fringe area, or stream setback, and provided that such repair, reconstruction, or
814 replacement meets all of the other requirements of this ordinance.
815
- 816 11. New solid waste disposal facilities and sites, hazardous waste management facilities,
817 salvage yards, and chemical storage facilities shall not be permitted, except by variance
818 as specified in §9-31-3E.10. A structure or tank for chemical or fuel storage incidental to
819 an allowed use or to the operation of a water treatment plant or wastewater treatment
820 facility may be located in a Special Flood Hazard Area only if the structure or tank is either
821 elevated or floodproofed to at least the Flood Protection Elevation and certified in
822 accordance with the provisions of §9-31-3C.3.
823
- 824 12. All subdivision proposals and other development proposals shall be consistent with the
825 need to minimize flood damage and determined to be reasonably safe from flooding.
826
- 827 13. All subdivision proposals and other development proposals shall have public utilities and
828 facilities such as sewer, gas, electrical, and water systems located and constructed to
829 minimize flood damage.
830
- 831 14. All subdivision proposals and other development proposals shall have adequate drainage
832 provided to reduce exposure to flood hazards.

- 833
- 834 15. All subdivision proposals and other development proposals shall have received all
835 necessary permits from those governmental agencies for which approval is required by
836 Federal or State law, including Section 404 of the Federal Water Pollution Control Act
837 Amendments of 1972, 33 USC 1334.
- 838
- 839 16. When a structure is partially located in a Special Flood Hazard Area, the entire structure
840 shall meet the requirements for new construction and substantial improvements.
- 841
- 842 17. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone
843 with multiple base flood elevations, the provisions for the more restrictive flood hazard
844 risk zone and the highest Base Flood Elevation (BFE) shall apply.
- 845
- 846 18. Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not
847 approving Conditional Letters or Letters of Map Revision (CLOMR-F or LOMR-F).
- 848

849 **B. Specific Standards**

850

851 In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set
852 forth in §9-3I-2B, or §9-3I-4D, the following provisions, in addition to the provisions of §9-3I-4A,
853 are required:

854

- 855 1. Residential Construction. New construction and substantial improvement of any
856 residential structure (including manufactured homes) shall have the reference level,
857 including basement, elevated no lower than the Flood Protection Elevation, as defined in
858 §9-1C-1 of Sun Valley Municipal Code.
- 859
- 860 2. Non-Residential Construction. New construction and substantial improvement of any
861 commercial, industrial, or other non-residential structure shall have the reference level,
862 including basement, elevated no lower than the Flood Protection Elevation, as defined in
863 §9-1C-1 of Sun Valley Municipal Code. Structures located in Zones A, AE, AH, AO, and A1-
864 30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided
865 that all areas of the structure, together with attendant utility and sanitary facilities, below
866 the Flood Protection Elevation are watertight with walls substantially impermeable to the
867 passage of water, using structural components having the capability of resisting
868 hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones,

869 the floodproofing elevation shall be in accordance with §9-3I-4F.2. A registered
870 professional engineer or architect shall certify that the floodproofing standards of this
871 subsection are satisfied. Such certification shall be provided to the Floodplain
872 Administrator as set forth in §9-3I-3C.3, along with the operational plan and the
873 inspection and maintenance plan.

874

875 3. Manufactured Homes.

876 a. New and replacement manufactured homes shall be elevated so that the
877 reference level of the manufactured home is no lower than the Flood Protection
878 Elevation.

879 b. Manufactured homes shall be securely anchored to an adequately anchored
880 foundation to resist flotation, collapse, and lateral movement, either by certified
881 engineered foundation system, or in accordance with the most current edition of
882 the Idaho Division of Building Safety's "Idaho Manufactured Home Installation
883 Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the
884 elevation would be met by an elevation of the chassis thirty-six (36) inches or less
885 above the grade at the site, the chassis shall be supported by reinforced piers or
886 engineered foundation. When the elevation of the chassis is above thirty-six (36)
887 inches in height, an engineering certification is required.

888 c. All enclosures or skirting below the lowest floor shall meet the requirements of
889 §9-3I-4B.4.

890 d. An evacuation plan must be developed for evacuation of all residents of all new,
891 substantially improved, or substantially damaged manufactured home parks or
892 subdivisions located within flood prone areas. This plan shall be filed with and
893 approved by the Floodplain Administrator and the local Emergency Management
894 Coordinator.

895

896 4. Additions/Improvements.

897 a. Additions and/or improvements to pre-FIRM structures when the addition and/or
898 improvements in combination with any interior modifications to the existing
899 structure are

900 i. not a substantial improvement, the addition and/or improvements must
901 be designed to minimize flood damages and must not be any more non-
902 conforming than the existing structure; or

- 903 ii. a substantial improvement, both the existing structure and the addition
904 and/or improvements must comply with the standards for new
905 construction.
- 906 b. Additions to post-FIRM structures that are a substantial improvement with no
907 modifications to the existing structure other than a standard door in the common
908 wall shall require only the addition to comply with the standards for new
909 construction.
- 910 c. Additions and/or improvements to post-FIRM structures when the addition
911 and/or improvements in combination with any interior modifications to the
912 existing structure are
- 913 i. not a substantial improvement, the addition and/or improvements only
914 must comply with the standards for new construction; or
- 915 ii. a substantial improvement, both the existing structure and the addition
916 and/or improvements must comply with the standards for new
917 construction.
- 918 d. Any combination of repair, reconstruction, rehabilitation, addition, or
919 improvement of a building or structure taking place during a {insert number of
920 years} year period, the cumulative cost of which equals or exceeds 50 percent
921 (50%) of the market value of the structure before the improvement or repair is
922 started, must comply with the standards for new construction. For each building
923 or structure, the {insert number of years} year period begins on the date of the
924 first improvement or repair of that building or structure subsequent to the
925 effective date of this ordinance. If the structure has sustained substantial damage,
926 any repairs are considered substantial improvement regardless of the actual
927 repair work performed. The requirement does not, however, include either: *(CRS*
928 *- Up to 90 points for counting improvements cumulatively; up to 20 points for a*
929 *substantial improvement threshold lower than 50%)*
- 930 i. any project for improvement of a building required to correct existing
931 health, sanitary, or safety code violations identified by the building official
932 and that are the minimum necessary to assume safe living conditions; or
- 933 ii. any alteration of a historic structure provided that the alteration will not
934 preclude the structure’s continued designation as a historic structure.
- 935
- 936 5. Recreational Vehicles. Recreational vehicles shall be either:
- 937 a. Temporary Placement

- 938 i. be on site for fewer than 180 consecutive days and be fully licensed and
939 ready for highway use (a recreational vehicle is ready for highway use if it
940 is on its wheels or jacking system, is attached to the site only by quick
941 disconnect type utilities, and has no permanently attached additions); or
942 b. Permanent Placement.
943 i. Recreational vehicles that do not meet the limitations of Temporary
944 Placement shall meet all the requirements for new construction, as set
945 forth in §9-3I-4A.
946
- 947 6. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development
948 permit for a temporary structure, the applicant must submit to the Floodplain
949 Administrator a plan for the removal of such structure(s) in the event of a flash flood or
950 other type of flood warning notification. The following information shall be submitted in
951 writing to the Floodplain Administrator for review and written approval:
952 a. a specified time period for which the temporary use will be permitted. Time
953 specified may not exceed six (6) months, renewable up to one (1) year;
954 b. the name, address, and phone number of the individual responsible for the
955 removal of the temporary structure;
956 c. the time frame prior to the event at which a structure will be removed (i.e.,
957 immediately upon flood warning notification);
958 d. a copy of the contract or other suitable instrument with the entity responsible for
959 physical removal of the structure; and
960 e. designation, accompanied by documentation, of a location outside the Special
961 Flood Hazard Area, to which the temporary structure will be moved.
962
- 963 7. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to
964 be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are
965 required for all accessory structures in accordance with §9-3I-3C.3, and the following
966 criteria shall be met:
967 a. Accessory structures shall not be used for human habitation (including working,
968 sleeping, living, cooking, or restroom areas);
969 b. Accessory structures shall not be temperature-controlled;
970 c. Accessory structures shall be designed to have low flood damage potential;
971 d. Accessory structures shall be constructed and placed on the building site so as to
972 offer the minimum resistance to the flow of floodwaters;

- 973 e. Accessory structures shall be firmly anchored in accordance with the provisions of
- 974 §9-31-4A.1;
- 975 f. All service facilities, such as electrical, shall be installed in accordance with the
- 976 provisions of §9-31-4A.4; and
- 977 g. Flood openings to facilitate automatic equalization of hydrostatic flood forces
- 978 shall be provided below Flood Protection Elevation in conformance with the
- 979 provisions of §9-31-4B.4.d.

980 An accessory structure with a footprint less than 200 square feet and is a minimal

981 investment of \$_____ (recommend \$2,500) or less and satisfies the criteria outlined in

982 a - g above is not required to meet the elevation or floodproofing standards of §9-31-4B.2.

983

984 8. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard

985 Area, the following criteria shall be met:

- 986 a. Underground tanks in flood hazard areas shall be anchored to prevent flotation,
- 987 collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads
- 988 during conditions of the base flood, including the effects of buoyancy (assuming
- 989 the tank is empty);
- 990 b. Elevated above-ground tanks, in flood hazard areas shall be attached to and
- 991 elevated to or above the design flood elevation on a supporting structure that is
- 992 designed to prevent flotation, collapse, or lateral movement during conditions of
- 993 the base flood. Tank-supporting structures shall meet the foundation
- 994 requirements of the applicable flood hazard area;
- 995 c. Not elevated above-ground tanks, that do not meet the elevation requirements
- 996 of §9-31-4 B.2 of this ordinance shall be permitted in flood hazard areas provided
- 997 the tanks are anchored or otherwise designed and constructed to prevent
- 998 flotation, collapse or lateral movement resulting from hydrodynamic and
- 999 hydrostatic loads during conditions of the design flood, including the effects of
- 1000 buoyancy assuming the tank is empty and the effects of flood-borne debris.
- 1001 d. Tank inlets, fill openings, outlets and vents shall be:
- 1002 i. at or above the flood protection elevation or fitted with covers designed
- 1003 to prevent the inflow of floodwater or outflow of the contents of the tanks
- 1004 during conditions of the base flood; and
- 1005 ii. anchored to prevent lateral movement resulting from hydrodynamic and
- 1006 hydrostatic loads, including the effects of buoyancy, during conditions of
- 1007 the base flood.
- 1008

- 1009 9. Construction of Below-Grade Crawlspace.
- 1010 a. The interior grade of a crawlspace must not be below the BFE and must not be
- 1011 more than two (2) feet below the exterior lowest adjacent grade (LAG).
- 1012 b. The height of the below-grade crawlspace, measured from the interior grade of
- 1013 the crawlspace to the top of the crawlspace foundation wall, must not exceed four
- 1014 (4) feet at any point.
- 1015 c. There must be an adequate drainage system that removes floodwaters from the
- 1016 interior area of the crawlspace. The enclosed area should be drained within a
- 1017 reasonable time after a flood event.
- 1018 d. The velocity of floodwaters at the site should not exceed five (5) feet per second
- 1019 for any crawlspace.

1020 *See Technical Bulletin 11 for further information.*

1021 *Caution:*

1022 *Buildings that have below-grade crawlspaces will have higher flood insurance premiums*

1023 *than buildings that have the preferred crawlspace construction, with the interior elevation*

1024 *of the crawlspace soil at or above the Base Flood Elevation (BFE).*

1025

- 1026 10. Other Development in regulated floodways and flood fringe.
- 1027 a. Fences that have the potential to block the passage of floodwaters, such as
- 1028 stockade fences and wire mesh fences, in regulated floodways and flood fringe
- 1029 shall meet the limitations of §9-3I-4E of this ordinance.
- 1030 b. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement
- 1031 of fill in regulated floodways and flood fringe shall meet the limitations of §9-3I-
- 1032 4E of this ordinance.
- 1033 c. Roads and watercourse crossings, including roads, bridges, culverts, low-water
- 1034 crossings, and similar means for vehicles or pedestrians to travel from one side of
- 1035 a watercourse to the other side, which encroach into regulated floodways and
- 1036 flood fringe, shall meet the limitations of §9-3I-4E of this ordinance.
- 1037 d. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and
- 1038 any equipment at the site that encroach into regulated floodways and flood fringe
- 1039 shall meet the limitations of §9-3I-4E of this ordinance.
- 1040 e. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port
- 1041 facilities, shipbuilding, and ship repair facilities that encroach into regulated
- 1042 floodways and flood fringe shall meet the limitations of §9-3I-4E of this ordinance
- 1043

1044 **C. Standards for Floodplains without Established Base Flood Elevations**

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Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in §9-3I-2B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of §9-3I-4A, shall apply:

The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:

1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in §9-3I-4A and B.
2. When floodway or flood fringe data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of §9-3I-4B and E.
3. All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with §9-3I-2B and utilized in implementing this ordinance. *The applicant/developer shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued. (Optional) See FEMA 480 and/or FEMA 265 for further information*
4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (non-residential) to two feet (2.0 ft.) above the Highest Adjacent Grade (HAG) at the building site or to the Flood Protection Elevation (FPE) whichever is higher. All other applicable provisions of §9-3I-4B shall also apply.

D. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Flood Fringe Areas.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- 1081 1. Standards of §9-3I-4A and B; and
1082
1083 2. Until a regulatory floodway or flood fringe area is designated, no encroachments,
1084 including fill, new construction, substantial improvements, or other development shall be
1085 permitted unless certification with supporting technical data by a registered professional
1086 engineer is provided demonstrating that the cumulative effect of the proposed
1087 development, when combined with all other existing and anticipated development, will
1088 not increase the water surface elevation of the base flood at any point within the
1089 community.

1090

1091 **E. Standards for Floodways and Flood Fringe Areas**

1092

1093 Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard
1094 Areas established in §9-3I-2B. The floodways and flood fringe areas are extremely hazardous
1095 areas due to the velocity of floodwaters that have erosion potential and carry debris and
1096 potential projectiles. The following provisions, in addition to standards outlined in §9-3I-4A and
1097 B, shall apply to all development within such areas:

1098

- 1099 1. No encroachments, including fill, new construction, substantial improvements, and other
1100 developments shall be permitted unless:
- 1101 a. it is demonstrated that the proposed encroachment would not result in any
1102 increase in the flood levels during the occurrence of the base flood, based on
1103 hydrologic and hydraulic analyses performed in accordance with standard
1104 engineering practice and presented to the Floodplain Administrator prior to
1105 issuance of floodplain development permit; or
 - 1106 b. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A
1107 Letter of Map Revision (LOMR) must also be obtained within six months of
1108 completion of the proposed encroachment.
- 1109
- 1110 2. If §9-3I-4E.1 is satisfied, all development shall comply with all applicable flood hazard
1111 reduction provisions of this ordinance.
- 1112
- 1113 3. Manufactured homes may be permitted provided the following provisions are met:
- 1114 a. the anchoring and the elevation standards of §9-3I-4B.3; and
 - 1115 b. the encroachment standards of §9-3I-4E.1.

1116

1117 **F. Standards for Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH)**

1118
1119 Located within the Special Flood Hazard Areas established in §9-3I-2B, are areas designated as
1120 shallow flooding areas. These areas have special flood hazards associated with base flood depths
1121 of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of
1122 flooding is unpredictable and indeterminate. In addition to §9-3I-4A and B, all new construction
1123 and substantial improvements shall meet the following requirements:

- 1124
- 1125 1. The reference level shall be elevated at least as high as the depth number specified on
1126 the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 feet, above the highest
1127 adjacent grade; or at least {insert number} feet above the highest adjacent grade if no
1128 depth number is specified. *A minimum of two (2) feet is required and four (4) feet is*
1129 *recommended where a depth is not provided.*
 - 1130
 - 1131 2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as
1132 required in §9-3I-4F.1 so that the structure, together with attendant utility and sanitary
1133 facilities, below that level shall be watertight with walls substantially impermeable to the
1134 passage of water and with structural components having the capability of resisting
1135 hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in
1136 accordance with §9-3I-3C.3, and §9-3I-4B.2.
 - 1137
 - 1138 3. Adequate drainage paths shall be provided around structures on slopes to guide
1139 floodwaters around and away from proposed structures.

1140

1141 **9-3I-5 LEGAL STATUS PROVISIONS**

1142

1143 **A. Effect on Rights and Liabilities under the Existing Flood Hazard Protection Ordinance**

1144

1145 This ordinance, in part, comes forward by re-enactment of some of the provisions of the Flood
1146 Hazard Protection Ordinance enacted 2006 as amended, and it is not the intention to repeal
1147 but rather to re-enact and continue to enforce without interruption of such existing provisions,
1148 so that all rights and liabilities that have accrued thereunder are reserved and may be enforced.
1149 The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or
1150 pending. All provisions of the Flood Hazard Protection Ordinance of the City of Sun Valley
1151 enacted on 2006 as amended, which are not reenacted herein are repealed.

1152

1153 **B. Effect upon Outstanding Floodplain Development Permits**

1154
1155 Nothing herein contained shall require any change in the plans, construction, size, or designated
1156 use of any development or any part thereof for which a Floodplain Development Permit has been
1157 granted by the Floodplain Administrator or his or her authorized agents before the time of
1158 passage of this ordinance. Provided, however, that when construction is not begun under such
1159 outstanding permit within a period of 180 days subsequent to the date of issuance of the
1160 outstanding permit, construction or use shall be in conformity with the provisions of this
1161 ordinance.

1162
1163 **C. Severability**

1164
1165 The ordinance is hereby declared to be severable. Should any portion of this ordinance be
1166 declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in
1167 full force and effect and shall be read to carry out the purpose(s) of the ordinance before the
1168 declaration of partial invalidity.

1169
1170 **D. Effective Date**

1171
1172 This ordinance shall become effective {insert date; based upon adoption, or a specific date; or
1173 passage and publication as provided by law}.

1174
1175 SECTION 6. CODIFICATION. The City Clerk is instructed pursuant to Section 1-1-3 of the City of Sun Valley
1176 Municipal Code to immediately forward this ordinance to the codifier of the official municipal code for
1177 proper revision of the code.

1178
1179 APPROVED BY THE SUN VALLEY CITY COUNCIL THIS 3rd day of MARCH, 2016.

1180
1181 APPROVED:

1182
1183 _____
1184 Peter Hendricks, Mayor
1185 City of Sun Valley

1186
1187 _____
1188 Alissa Weber, City Clerk
1189 City of Sun Valley

**CITY OF SUN VALLEY
CITY COUNCIL
STAFF REPORT**

To: The Honorable Mayor Peter Hendricks and Sun Valley City Council
From: Jae Hill, AICP, CFM, Community Development Director
Date: 7 Apr 2016
Re: Common area conveyances

Over the last year, we've seen dozens of small, "pop-out" additions to condominiums all over town. The Homeowners Associations are approving the expansions of individual units into the common area, but without formally conveying the property from the association to the owner of the appurtenant condominium.

The previous Community Development Director required plat amendments for these expanded units, but in the cases where the property is not actually conveyed by deed, we can't require that. We stopped the practice (of requiring the plat amendments) at the notice and advice of our former City Attorney, Adam King.

After talking with Jim Williams, the county's appraiser at the Assessor's Office, we learned that common area (including limited-access common area) is not assessed, therefore all new construction occurring in the common area (at the benefit of an individual homeowner) is not being assessed. Every unit that has had a pop-out addition without a re-plat is therefore increasing the appraised market value of their home but not the assessed value with the County. For a sample \$25,000 pop-out addition, the City is foregoing approximately \$191 per year in taxes. Multiplied times hundreds of these minor additions, we're talking about tens of thousands in foregone property tax revenue every per year – not to mention the inaccurate records at the Blaine County Assessor's Office and the questionable legal questions relating to ownership including responsibility for safety, maintenance, insurance, and damages.

The City's best option to remedy this situation is to amend our code to require the platting and conveyance of any piece of property for the permanent and exclusive use of an adjoining property. This will add further cost and time delays to each addition, however, for the participation of a surveyor and for City approval. The County Assessor's Office is highly in support of this concept.

Staff recommends amending our code to require conveyance and platting in these cases which circumvent our legally-established subdivision processes and our taxing authority.

1 **ORDINANCE XXX**

2 **AMENDING TITLE 9, CHAPTER 4, ARTICLE A, SECTION 3 OF THE SUN VALLEY MUNICIPAL CODE**
3 **REQUIRING THE REPLATTING OF CONVEYED PROPERTIES**
4

5 WHEREAS, the City of Sun Valley is a municipal corporation, duly organized and existing under the laws of the
6 State of Idaho Code § 50-501 et seq.; and

7
8 WHEREAS, the State of Idaho requires platting a result of subdivision and conveyance in Idaho Statute § 50-
9 1302 et seq.; and

10
11 WHEREAS, the common area of non-profit homeowner associations is rapidly being transferred into
12 ownership of individuals for exclusive use without replatting or formal conveyance; and

13
14 WHEREAS, such informal conveyances are not maintaining an accurate or current tax roll with the County
15 Assessor’s office; and

16
17 WHEREAS, such conveyances evade taxation and create legal uncertainty regarding liability for injuries and
18 damages occurring on such conveyed property;

19
20 NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sun Valley, Idaho, as follows:

21
22 Title 9, Chapter 4, Article A, Section 3 [Scope] of the Sun Valley Municipal Code shall be amended by adding
23 the following clause 9-4A-3.D

24
25 “Any conveyance of a portion of subdivided land, whether informal or formal and regardless of financial
26 compensation, to an adjoining property owner for their limited or exclusive use.”

27
28 APPROVED BY THE SUN VALLEY CITY COUNCIL THIS 2nd DAY OF JUNE, 2016.

29
30 APPROVED:
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38

ATTEST:

Alissa Weber, City Clerk
City of Sun Valley

Peter Hendricks, Mayor
City of Sun Valley

SUGGESTED PROJECT REVIEW CATEGORIES AND CRITERIA

EXEMPT FROM DESIGN REVIEW

Landscaping alterations up to the lesser of 400sf or 10% of the property.

Patios and at-grade hardscape features.

Changes to driveway materials. (Section XXXXXX Encroachment Permits may apply)

Removal of trees lesser than 8" DBH.

Removal of any diseased or dead tree as certified by an arborist.

Re-roofing from shake to composition shingles.

Replacing existing components or materials which are similar in color, nature, and styling.

ADMINISTRATIVE WITHOUT NOTICE

Address monuments (subject to Section XXXXXX)

Alterations to windows and doors, including the addition of windows and skylights.

Decks and deck extensions under 150sf in the RS-1 and RA zones.

Ground floor decks and deck extensions under 150sf in all other zones.

Additions of habitable floor area less than 100sf that do not require a plat amendment.

Additions of nonhabitable floor area less than 200sf that do not require a plat amendment.

Signs other than monument-style signs.

Fences, wherein a binding fence agreement is signed by neighbors.

Trellises and arbors less than 200sf.

Solar panel installations less than 80% of the roof area.

Temporary use permits.