



NOTICE OF PUBLIC MEETING

Monday, March 5, 2018
CITY COUNCIL CHAMBERS
680 Park Avenue
Idaho Falls, ID 83402
3:00 p.m.

The public is invited to attend. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.

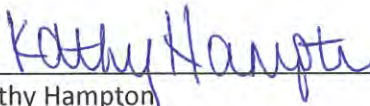
SPECIAL MEETING (Council Work Session)

Times listed in parentheses are only estimates.

Call to Order and Roll Call

- | | |
|--|---|
| Mayor: | -Acceptance and/or Receipt of Minutes
-Calendar, Announcements and Reports (5) |
| Council: | -Liaison Reports and Concerns (10) |
| Municipal Services: | -Travel Policy Discussion (30) |
| Quarterly Report: | -Economic Development (30) |
| Community Development Services and
Idaho Falls Power: | -Electric Line Extension Fee Waiver Briefing and Discussion
(30) |
| Community Development Services: | -Floodplain Management Information (10)
-Area of Impact Discussion, Part II (30) |

DATED this 2nd day of March, 2018



Kathy Hampton
City Clerk

IDAHO FALLS POLICE DEPARTMENT
Traffic Safety Committee Meeting Minutes
Tuesday December 12 2017

VOTING MEMBERS IN ATTENDANCE:

Chairman Capt. Clements IFPD; Bruce Scholes Electric Department; Ralph Frost, School District 91; Bruce Lawrence, Engineering; Kent Fugal, Engineering; Rick McMullen Citizen Member at Large; Ben Burke Idaho Transportation Department. Of these voting members, the Chairman only votes to break a tie vote.

NON-VOTING MEMBERS IN ATTENDANCE:

Annake Scholes- IFPD Admin
David R.
John Nicklas
Brian Bingham- Alturas Academy
Michelle Ball-Alturas Academy
Rev. Ruth Marsh- Trinity UMC
Tracey Teuscher
Denise Teuscher
Ken Martin
Leonard Scorr
Jeff Blackburn
Nolan Taylor

Old Business:

June 13, 2017 minutes reviewed and approved with a unanimous motion.

New Business:

Item #1: Three way stop on Park and D
Item tabled until later date, unanimous motion

Item #2: Speed limit change on Holmes Ave from 17th to Sunnyside road from 35 mph to 40 mph

- Roadway functional classification: Principal Arterial
- Speed data collected in November 2012
 - 2017 partial data supports 2012 results
- 85th percentile speed
 - 43 mph southbound
 - 43 mph northbound
- Recommendation: 40 mph
- Public Comments - 37 responses
 - Favor change: 19

- Oppose change: 18
- Summary of key points in favor of change:
 - Wide 5-lane roadway with signals
 - In line with current behavior—change then enforce
 - 40 mph or higher is appropriate
 - Other major roadways should be raised as well
 - Should be 45 mph
 - Signal at only location where children cross street
- Summary of key points in opposition to change:
 - Opposed to 40 mph because it really should be 45 mph
 - Difficulty getting in and out of businesses (Home Depot, etc.)
 - Concern about red light running at 25th St
 - Should be lowered due to high school drivers (inexperience)
 - No reason to increase any speed limits in Idaho Falls
 - Speed limit doesn't matter because there's no enforcement
 - Difficulty turning left to northbound Holmes from Hartert
 - Some concerns about sight distance
 - Children crossing at 25th Street signal

Concerns that were addressed

- Heavy foot traffic on the Idaho Canal along Holmes
- Cross walk for Longfellow Elementary/Children/ Community Park
- 35 MPH - 40 MPH -35 MPH (Holmes to 17th, 17th to Sunnyside, Holmes past Sunnyside) how do we police that.

Ben Burke motioned to have the speed limit increased to 40mph, Rick McMullen second. Ralph Frost motioned against the change. Motion to increase the speed limit carried 5 to

Item #3: John Adams Parkway from Holms Ave to 25th East (Hitt Rd) speed limit change from 25 mph to 30 mph

- Roadway functional classification: Major Collector
- Speed data collected in October 2016 at 3 locations
- 85th percentile speeds
 - 30, 28, and 35 mph westbound
 - 30, 32, and 30 mph eastbound
- Recommendation: 30 mph
- Public Comments - 45 responses
 - Favor change: 17
 - Oppose change: 28
- Summary of key points in favor of change:
 - Crossing guards and reduced speed zone take care of the school crossing issue
 - 35 mph should be considered
 - 25 mph feels like “a crawl” or “standing still” on John Adams
 - In line with current behavior—change then enforce
- Summary of key points in opposition to change:
 - Residential area – children playing in yards
 - Multiple crosswalks used by children
 - Higher speed incompatible with bike lanes
 - No reason to increase any speed limits in Idaho Falls

- Speed limit doesn't matter because there's no enforcement
- Goes by high school – high school kids see it as a raceway
- Sight distance concerns at Linden due to parked cars and at the Idaho Canal bridge
- Higher speed will attract more traffic
- No real advantage in commute time
- Would be better to start 30 mph zone east of the high school rather than at Holmes Ave
- Difficult to back out of driveways
- Not that far from other E-W arteries (1st St and 17th St)
- Traffic volumes on John Adams make it difficult to enter from side streets
- Wasn't approved by the committee in years past—shouldn't now
- Lack of other roadways at 30 mph – inconsistency

Concerns that were addressed.

- Mostly homes, not businesses
- More children
- Increase in the amount of traffic
- Crossing guards report several “close calls”

Ben burke, Kent Fugal and Bruce Lawrence voted in favor of changing the speed limit to 30 MPH. Ralph Frost, Rick McMullen, and Bruce Scholes voted to leave the speed limit at 25MPH. Royce Clements broke the tie and voted to leave John Adams at the currently posted 25 MPH.

Item #4: Elms street from Yellowstone to S Boulevard; currently 25 mph, unposted to 30 mph and posted

- Roadway functional classification: Major Collector
- Speed data collected in November 2017
- 85th percentile speed
 - 29 mph westbound
 - 30 mph eastbound
- Recommendation: 30 mph
- Public Comments - 29 responses
- Favor change: 13
- Oppose change: 16
- Summary of key points in favor of change:
- In line with current behavior—change then enforce
- **Summary of key points in opposition to change:**
- Too narrow to let cars pass each other if cars are parked on the street (may be confusing Elm with another street—Elm has 40+ feet of pavement width)
- Higher speed incompatible with land uses (churches, school, funeral home, YMCA, park)
- Very short roadway length from Yellowstone to Blvd—no value in raising limit
- No reason to increase any speed limits in Idaho Falls
- Speed limit doesn't matter because there's no enforcement
- Parents dropping of kids for school alongside roadway
- Safety concerns with eastbound merge at Eastern Ave
- Elm is center of neighborhood

Per Kent, in order for a school zone to be implemented near Alturas Academy the speed limit would have to be 30mph. in order for a budding school sign to be installed, it would only require a motion. Rick McMullen motioned to install school signs, Bruce seconded, motion carried.

A second motion to the Committee by Rick McMullen was leave the current speed limit at 25mph, and post the speed limit at 25mph, Ralph Frost seconded, Kent Fugal voted in agreement. Bruce Scholes, Bruce Lawrence, and Ben Burke voted to change the Speed to 30 MPH, Royce Clements broke the tie voting to leave the speed limit at 25mph.

Meeting adjourned December 12 2017

DISTRIBUTION (via e-mail):

MEMBERS:

Voting Members:

Chairman: Captain Royce Clements, I.F.P.D.
Rick McMullen, Citizen Member at Large
Ralph Frost, School District 91
Ben Burke, ITD
Bruce Lawrence, Engineering
Kent Fugal, Engineering
Bruce Scholes, Electric Department

Non-voting Members:

DaNiel Jose, BMPO
Nolan Taylor, INL Transportation Safety
Greg Smith TRPTA
Council Member Ziel- Dingman

COPY TO:

Mayor Casper
Kathy Hampton, City Clerk
Jackie Flowers, I.F. Power
Chris Fredericksen, Public Works

**PARKS & RECREATION
SHADE TREE COMMITTEE MINUTES
Tuesday January 30, 2018
Activity Center
12:00 Noon**

ATTENDEES:

Gerry Bates, Lee Washburn, Delbert Lloyd, Matt Hill, Ronnie Campbell, Randy Westergard, Brian Stevens

APPROVAL OF MINUTES

October 2017 minutes approved- Gerry Bates, second Kerry Beutler

COMMITTEE MEMBER UPDATE

Lee is talking with John Russel with Eagle Rock Nursey about joining the STC

ORDINANCE REVISION

- New tree list for city – committee agreed to remove the tree list from the ordinance and have it reference the city web page or contact the city forester.
- Memorial Trees – Ronnie will write a paragraph to add to the ordinance for memorial trees and submit it to Randy Fife.
- Red-tagged trees by street dept. – item tabled for now public works, streets and park and rec need to decide what the next action will be.
- Educate people on the purpose of the ordinance – talked about updating the Trees and Shrubs for Idaho Falls pamphlet, by next fall – Delbert is taking the action

CONDITIONS AND CONCERNS – HOLMES AND 25TH STREET:

Will be tabled for now

OLD BUTTE TREE FARM

Will be tabled for now

CITY TREE DISCUSSION

Finalized the 2018 Shade Tree Schedule

CALL FOR AGENDA ITEMS

Agenda Items: No new items.

*Recorded by
Genene Eddins*

Idaho Falls Sister City Meeting Minutes

Tuesday, February 20, 2018

Members in Attendance: Carole Walters, Paul & Sheri Hansen, Cal & Cindy Ozaki, , Clarke Kido, Val Haddon, Jovita Cosens, Lisa Sehlke, Cheryl & Edward Zaladonis, Lynda Ulschmid, Guests/New Members: Litton Power, Mary Krupnik.

Introductions: Members & Guest introduced themselves.

Minutes: Approved as read.

Treasurers Report: Balance as of 2/1/18 \$5685.13.

Business:

- Clarke gave a brief history of the Friendship Garden. Clarke & Judy met with Greg Weitzel from Parks & Rec. for the 2018 plans for the garden. One issue that has come up is parking. The tenants for Key Bank building are using up 80% of the gardens parking on both sides. According to Edward the city has the easement rights on both sides. Greg is looking into it to see how we can share this space. Clarke reported that cameras have been installed and are being tested but is still in the development stage on how they work, who is monitoring them and the response.
- Carole, Kevin, and Brad went to the February 5th City Council meeting to give a review on the 2017 exchange in Japan and the benefits of the Sister Cities Program. Kevin talked about Sakae and how they came to be here and what they are doing in our community. Brad gave a report on his visit as a first time visitor to Japan and the importance of city involvement. This presentation was beneficial since we have new council members that were not familiar with the program and Carole felt we got a good response. Carole gave out Sister City brochures to all the members in attendance.
- We discussed promoting Sister Cities and suggestions were to use social media- Instagram, Facebook. We discussed the lack of media coverage, newspaper etc. Litton suggested that we take pictures and give the pictures and a press release of what we would like covered to the media and let them go from there. We could do this with the Post Register, Idaho Falls Magazine and any other publications we can think of. Mary Krupnik who in the past worked for the St. Louis Botanical Gardens suggested something they did was invite the media to an event we are doing, have them come early for a tea ceremony, luncheon, or special tour so they can talk with members and get information in advance of the event.
- **2018 Exchange:** Dates were discussed. The Japanese do not want to come in July-too early to prepare, August-airfare is too high, September-busy at city office

so they would prefer October. Haruka indicated that Mayor Yamada wants to come but has a few business obligations in October, but may be available Oct. 4-13 or 5-14, they will discuss and get back to us. Carole will get this information to them.

- In checking dates Old Faithful Lodge closes Sept 30, Old Faithful Inn Closes Oct. 7, and Mammoth Inn Closes Oct. 13th. So we are limited to what we can do in the park and if we want to go. We could still go to West Yellowstone and do the Bear & Grizzly Discovery Center and IMAX.
- The Japanese asked if we could pay for the interpreter's rooms during the exchange. They are no longer getting help from the nuclear industry and it is getting difficult to get interpreters due to costs. They would also like the interpreters to stay at the hotel with the members who do not do homestays to help them.
- Sheri read a list of ideas that were discussed during our November visit to Japan on what we could do when they came here and other suggestions were made tonight. Some of the ideas are:
 1. New Fire Station Tour
 2. Tour new Complex at Broadway and Memorial "The Broadway". Brad gave a presentation at the City meeting in Japan on it and we thought they would like to see and tour it.
 3. Humanitarian Center
 4. Business Exchange
 5. Jerky Factory in Shelley tour
 6. Museum of Idaho
 7. A hands on experience (we did cooking and making of rice straw festoon while we were in Japan).
 8. Don Aslet Museum of Clean in Pocatello
 9. Miles Willard
 10. Premier Technology
 11. Rush's for cooking class
 12. Heise
 13. Bull Moose Lodge & Saloon and Melvin Brewery in Alpine.
 14. Western event to include BBQ, horseback riding, etc. Shooting of guns was suggested but with the Japanese view on guns and the recent shootings we felt not a good idea for the group; but if people want to do it on their homestay weekend they could look into the possibility.
 15. Cal said Jan Rogers with REDI is going to Tokyo, Japan with 5 others for a business exchange this spring and may want to participate on some type of exchange when they come here.
 16. We have to find places for Welcome & Farewell receptions as well as lunches and dinners during the exchange. Some suggestions to look into is Waterfront Event Center (may be too inhibitive due to costs),

Pizza Pie café for a lunch, Chuck a Rama has a large room. North Hiway and Catered Your Way cater but we would need a facility. The Country Club was suggested. These are all ideas suggested which we can follow up on and get more at a future date. Put your thinking caps on.

- VOTING FOR NEW OFFICERS FOR THE 2018-2020 term. The ballot was read for candidates running and there was a place for write-ins. Jim & Nancy Thorsen sent in an absentee ballot. Ballots were handed out and were collected by Clarke and Cheryl who tallied the ballots. New Officers are as follows.
- | | |
|------------------------|--------------|
| President: | Cindy Ozaki |
| Vice President: | Jerry Sehlke |
| Sec/Historian: | Lisa Sehlke |
| Treasurer: | Joan Fuhrman |

The next meeting is: Monday, March 19, 2018, at 7:00 pm in the City Council Chambers.

Sheri Hansen
Historian, Idaho Falls Sister Cities

I. PURPOSE

The purpose of this policy is to establish a City Travel policy for all City employees. "Travel" is any trip away from the City which cannot be accomplished within the normal scheduled work day of the employee. All City employees are expected to demonstrate good stewardship of public funds when in travel status. A concerted effort should be made to travel efficiently including, researching and committing to cost saving or least expensive travel; carpooling when reasonable; seeking group discount pricing or early bird registrations when more than one (1) employee is attending a conference or event.

Timely reporting of the expenditure of public funds is essential to every Department's budget as well as to the City's ability to comply with general accounting principles and audit requirements. It is imperative that every City employee traveling for City business understands and agrees to this Policy.

II. TRAVEL STATUS

- 2.1 "Travel status" Internal Revenue Code defines reimbursement of travel must be temporary and be substantially longer than an ordinary day's work and requiring an overnight stay. Therefore, anything less than an overnight stay is not eligible for travel status reimbursement and would qualify as training and not travel.
- 2.2 Non-exempt employees who are required to travel for work-related purposes are to be paid for travel time that takes place within normal work hours. Normal work hours may include any day of the week and/or various shifts such as 8-hour, 10-hour, 12-hour or other shifts. An employee's normal work hours are dependent on the department they work in and the position they hold. Any portion of authorized travel time that takes place outside of an employee's normal work hours will be compensated at one and one-half their regular hourly rate for that portion of travel time that takes place. Employees on travel status on a City holiday will be paid regular holiday pay in addition to actual hours worked.
- 2.3 Travelers shall use the most cost-effective and efficient mode of travel. Exceptions to this requirement may be allowed due to unusual or unforeseen circumstances that are properly documented and authorized by the Director. Supporting documentation must be attached to the Request for Travel form.
- 2.4 If the City employee requests to drive a personal or rental car rather than flying, and flying is the most cost-effective and efficient mode available. The City will only consider the amount of time for the flight as "hours worked."

- 2.5 When for personal reasons the mode of travel used is not the most cost-effective and efficient mode available and such a deviation is specifically approved by the Director, only those costs which would have been incurred using the most cost-effective and efficient mode available will be allowed. Any costs associated with excess travel time resulting from the use of other modes of travel for personal reasons shall not be allowed. . Additionally, such travel time for convenience shall be chargeable to the traveler's vacation if the travel does occur during the employee's regularly scheduled work shifts.
- 2.6 Circumstances may occur during travel that require modifications to reservations. It is the responsibility of the traveler to make such modifications judiciously and to cancel promptly any previous reservations. Failure to do so may require the traveler to reimburse the City at his or her own expense. Documentation, such as an email or memo reviewed and approved by the Director of such changes is required.
- 2.7 The City will reimburse employees for the most cost-effective and efficient mode available reasonable and actual expenses incurred in business travel on behalf of the City, as provided in this Policy. In no case shall travel reimbursements be considered a fringe benefit.

III. TRAVEL REQUEST COORDINATION AND RESPONSIBILITY

- 3.1 The Department shall be responsible for preparation of the Request for Travel form. Travel requests must include copies of related literature (i.e. registration form filled out in its entirety, meeting schedules, programs, agenda, reservation documents, itineraries, et al) to provide clear justification of City priority or goal purpose of the travel.
- 3.2 If the employee has specific travel needs, (such as specific flight times and return flights), it is the responsibility of the employee to do the necessary travel research and approval from the Department. . .
- 3.3 If the itinerary is changed after the Request for Travel form has been approved, the Department Director should be notified at the time the traveler is aware of the changes. .

IV. APPROVAL OF AUTHORIZATION TO TRAVEL

- 4.1 All requests for travel must be approved by the Department Director or designee on the Request for Travel form.

- 4.2 Following approval by the Department Director or designee, the original copy of the Request for Travel form is recommended to be used to serve as authorization for the Department administrative staff to obtain tickets and request travel advances (see section V). A copy of the approved travel shall be sent to the Municipal Services Administrative Assistant for accounting purposes.

V. TRAVEL ADVANCE

- 5.1 As required, Department administrative staff may request a travel expense advance from the Finance Division. The amount of which will be dependent upon the purpose of the trip, distance and mode of travel, and duration of the trip. A check will be issued to the traveler prior to the departure date.
- 5.2 All travel advances must be requested at least five (5) City workdays before the start of travel.
- 5.3 In the event a travel advance does not meet this timeframe or the advance is required as an emergency, the Department Director must notify the City Controller directly.

VI. TRAVEL EXPENSE REPORTING AND SUPPORTING DOCUMENTATION

- 6.1 It is the responsibility of the City employee to provide all travel expense documentation to support the use of public funds. In the event a City employee is unable to produce all travel expense support documentation, the Municipal Services Director will notify the Department Director in writing. The Municipal Services Director shall have the authority to recommend to the Mayor the suspension of City travel for the employee.
- 6.2 Use of personal vehicle for a business purpose for travel must be pre-approved by the Department Director. Reimbursement for use of a personal vehicle is calculated at the IRS standard mileage rate (IRS.gov), multiplied by the actual miles traveled, but not to exceed the distance reported on Google maps with the most direct and/or efficient route. Use of a City or rental vehicle is preferred over the use of a personal vehicle for City related travel. If using a personal vehicle is solely for the convenience of the employee, reimbursement is limited to the least expensive travel method For example:

An Approved Personal Car takes Best Cost Option		
Example: 3 day travel to Denver, CO		
<u>Option</u>	<u>Description</u>	<u>Cost to City</u>
Mileage	1188 miles round trip x .535	\$635.58
Rental	Standard Rental Car + Fuel	\$278.95
Airline	Idaho Falls to Denver	\$564.00

- 6.3. Traveler shall not use city-issued procurement card for fuel or fuel related expenses when using personal vehicle. These expenses will be reimbursed as per the approved travel request and personal vehicle use process identified above.
- 6.3 The use of a City vehicle for travel with family on City business, while not encouraged as a regular practice, is subject to Director approval. City travel is covered through the City’s insurance policy.
- 6.5 Reasonable lodging costs for the authorized traveler will be reimbursed when verified by itemized receipts. The traveler is expected to use commercial type lodging conveniently located near the destination. Advance reservations made by the Department guarantees a room if the traveler arrives late; therefore, it is the responsibility of the employee to avoid “no show” charges by canceling reservations when a change is necessary. Requests for a State sales tax exception should be requested at the time the reservation is made. Upon hotel check in the employee should be prepared to show City identification. A copy of the State sales tax exception form is included in Exhibit A to this Policy.
- 6.6 Meals, Gratuities and Tip Expenses allowable:
The per diem (for meals and meal gratuities) to the traveler are calculated using the gsa.gov portal, <http://www.gsa.gov/portal/content/104877>. The Department Director has the discretion to pre-approve a per-day per diem based on the maximum per diem rates as outlined on gsa.gov. This approval will need to be attached to the travel request.

Meals furnished as part of a conference registration fee will be deducted from the traveler’s per diem at the City’s partial day meal reimbursement rate.

Continental breakfast, as well as other small meals such as appetizers or snacks provided by a hotel or hosting organization will not be deducted from the per diem allowance.

Travelers using a City-issued procurement card may not “double dip” by receiving a per diem and using the procurement card for meals.

If a group of City employees are traveling together and wish to combine meals and gratuities onto one (1) procurement card purchase, the limits for the card cannot be exceeded.

6.6.1 Partial Day Reimbursement

A partial day reimbursement for per diem will be paid to the traveler up to the maximum rate within the following limitations for travel involving overnight stay:

- Breakfast: If the actual departure time is 7:00 a.m. or before, or if the return time is 8:00 a.m. or after.
- Lunch: If the actual departure time is 11:00 a.m. or before, or if the return time is 2:00 p.m. or after.
- Dinner: If the actual departure time is 5:00 p.m. or before, or if the return time is 7:00 p.m. or after

6.6.2 The travel departure and return times must be recorded to account for meals that are being claimed.

Departure time: Arrival time at the airport (not to exceed 120 minutes before the flight). If traveling by other means, it is the actual departure time from home or work.

Arrival time: If air travel, it is the airline arrival time. If the traveler is using a rental car, it is the time that the rental is returned to the rental company. If traveling by private or City vehicle it is the time that the traveler arrives back at work, or if after business hours, the time that the traveler arrives home.

6.6.3 Requesting Meal Reimbursement (Not using Procurement Card)

The traveler must indicate (on the Request for Travel form) the number and breakdown of meals needed. The City will not require any receipts for meal expenses at or below the per diem meal reimbursement rate for meals approved.

6.6.5 Car rentals, taxi service, registration fees, auto expenses, fuel purchases, and other miscellaneous items of travel expenses will be documented by receipts.

6.6.6 During travel, all business telephone calls to the City of Idaho Falls should be made in the least expensive manner. Other business calls placed by the traveler while on City business are reimbursable and should be shown on the traveler's expense statement.

6.6.7 An employee may request approval to travel for his/her convenience beyond the approved travel dates. The actual City travel dates and times will be the only dates and times considered as reimbursable travel.

6.6.8 The following expenses will not be reimbursed:

- Insurance coverage for air travel while in travel status.
- Expenses incurred by non-City travelers.
- Parking fees not related to the travel.
- Rental car insurance coverage for collision and personal liability.
- Expenses not related to the purpose of travel.
- Purchase of alcohol.
- Purchase of personal items.

6.6.9 A City of Idaho Falls completed expense statement form, with the supporting documents, must be sent for reconciliation to the Municipal Services Administrative Assistant no later than ten (10) City working days after the travel is completed.

Timely reporting of travel expenditures is required in order to meet general accounting principles and audit requirements. In the event the completed expense statement form with the support documents are not submitted within the ten (10) City working days after the trip is completed, the Municipal Services Administrative Assistant shall provide only one email reminder to the traveler and department administrative assistant requesting the expense statement with supporting documents. In the event the requested documentation is not provided following this request within one (1) working day, the Municipal Services Director will contact the Department Director.

VII. **USE OF CITY ISSUED PROCUREMENT CARD**

The issuance of a City procurement card is a payment method intended to enhance employee productivity, efficiency and reduces administrative costs, while maintaining the integrity of the City's fiscal and procurement policies and practices. Employees who use a City issued procurement card for their travel expenses are not eligible to request a travel advance. No receipts are required for travel when using the procurement card with an attached credit card statement included on the travel expense form.

Exhibit A
FORMS AND EXHIBITS



CITY OF IDAHO FALLS EXPENSE STATEMENT

TRAVELER(S): _____

TRIP NUM: _____

COST CODE: _____ = %

DEPARTMENT: _____

_____ = %

Transportation Expenses (A) Airfare, (CC) City car fuel, (R) Rental, (S) shuttle, (T) Taxi (PC Personal Car)

Date	Departure Time	From	To	Arrival Time	Type	Amount
Total Transportation:						\$0.00

Meals: (fill in each meal amount & number of travelers)

Date	Breakfast	Lunch	Dinner	Daily Total	# of Travelers
				0.00	1
				0.00	1
				0.00	1
				0.00	1
				0.00	1
				0.00	1
				0.00	1

Please mark provided meals with a "P"

Amount
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
Total Meals: \$0.00

Per Diem Allowance: <http://www.gsa.gov/portal/content/104877>

(Click on link above to find per diem amount)

2016-2017 City Breakdown	\$51	\$54	\$59	\$64	\$69	\$74
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Meal guidelines of trips more than a single day:

Breakfast-Departure 7:00 a.m. or before. Return 8:00 a.m. or after.

Lunch - Departure 11:00 a.m. or before. Return 2:00 p.m. or after.

Dinner - Departure 5:00 p.m. or before. Return 7:00 p.m. or after.

Lodging Expenses: (Itemized daily)

Dates	Hotel Name	Amount
Total Lodging:		\$0.00

Miscellaneous Expenses: (Registration, Taxi, Shuttle, Bags, etc.)

Date	Explanation	Amount
Total Miscellaneous:		\$0.00

Comments:

Summary of Expenses:

TOTAL EXPENSES: _____

- Ck#
- Ck#
- Ck#
- Ck#
- Ck#
- Ck#
- Ck#
- Ck#

(+) = Amount Due Traveler OR (-) = Amount Due City TOTAL AMOUNT DUE: _____
Check # or Receipt #

ST-101

EF000149
05-15-13Idaho State Tax Commission
SALES TAX RESALE OR EXEMPTION CERTIFICATE

Seller's Name			Buyer's Name CITY OF IDAHO FALLS		
Address			Address PO BOX 50220		
City	State	Zip Code	City	State	Zip Code
			IDAHO FALLS	ID	83405

1. Buying for Resale. I will sell, rent, or lease the goods I am buying in the regular course of my business.

- a. Primary nature of business _____ Describe the products you sell, lease, or rent _____
- b. Check the block that applies: ☐ Idaho registered retailer. Seller's permit number 002404 5S-10-2-1
☐ Wholesale only, no retail sales (required - see instructions)
☐ Out-of-state retailer, no Idaho business presence

2. Producer Exemptions (see instructions). I will put the goods purchased to an exempt use in the business indicated below.

Check all that apply and complete the required information.

- ☐ Logging Exemption
☐ Broadcasting Exemption
☐ Publishing Free Newspapers
☐ Production Exemption (check all that apply): ☐ Farming ☐ Ranching ☐ Manufacturing ☐ Processing ☐ Fabricating ☐ Mining
 List the products you produce: _____

3. Exempt Buyer. All purchases are exempt, and no permit number is required. Check the block that applies.

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Advocates for Survivors of Domestic Violence and Sexual Assault, Inc. | <input type="checkbox"/> Center for Independent Living | <input type="checkbox"/> Nonprofit Children's Free Dental Service Clinic | <input type="checkbox"/> Senior Citizen Center |
| <input type="checkbox"/> American Indian Tribe | <input type="checkbox"/> Emergency Medical Service Agency | <input type="checkbox"/> Nonprofit Hospital | <input type="checkbox"/> State/Federal Credit Union |
| <input type="checkbox"/> American Red Cross | <input checked="" type="checkbox"/> Federal/Idaho Government Entity | <input type="checkbox"/> Nonprofit Museum | <input type="checkbox"/> Volunteer Fire Department |
| <input type="checkbox"/> Amtrak | <input type="checkbox"/> Forest Protective Association | <input type="checkbox"/> Nonprofit School | |
| <input type="checkbox"/> Blind Services Foundation, Inc. | <input type="checkbox"/> Idaho Foodbank Warehouse, Inc. | <input type="checkbox"/> Qualifying Health Organization (see instructions for list) | |
| | <input type="checkbox"/> Nonprofit Canal Company | | |

4. Contractor Exemptions (see instructions).

- a. Invoice, purchase order, or job number to which this claim applies _____
- b. City and state where job is located _____
- c. Project owner name _____
- d. This exempt project is: (check appropriate box)
☐ In a nontaxing state. (To qualify, materials must become part of the real property.)
☐ An agricultural irrigation project.
☐ For production equipment owned by a producer who qualifies for the production exemption.

5. Other Exempt Goods and Buyers (see instructions).

- | | |
|---|--|
| <input type="checkbox"/> Aircraft used to transport passengers or freight for hire | <input type="checkbox"/> Livestock sold at a public livestock market |
| <input type="checkbox"/> Aircraft purchased by nonresident for out-of-state use | <input type="checkbox"/> Medical items that qualify |
| <input type="checkbox"/> American Indian buyer holding Tribal I.D. No. _____
This form doesn't apply to vehicles or boats. See instructions. | <input type="checkbox"/> Pollution control items |
| <input type="checkbox"/> Church buying goods for food bank or to sell meals to members | <input type="checkbox"/> Research and development goods |
| <input type="checkbox"/> Food bank or soup kitchen buying food or food service goods | <input type="checkbox"/> Snowmaking/grooming equipment, or aerial tramway component |
| <input type="checkbox"/> Glider kits for IRP-registered vehicles | <input type="checkbox"/> Other goods or entity exempt by law under the following statute (required: _____) |
| <input type="checkbox"/> Heating fuel | |

Buyer: Read and sign. I certify that all statements I have made on this form are true and correct to the best of my knowledge. I understand that falsification of this certificate for the purpose of evading payment of tax is a misdemeanor. Other penalties may also apply.

Buyer's Signature <i>Heidi Carlson</i>	Buyer's Name (please print) HEIDI CARLSON	Title PURCHASING AGENT
Buyer's Federal EIN or Driver's License No. and State of Issue 82-6000208		Date 1/14/15

Seller: Each exemption a customer may claim on this form has special rules (see instructions). It's your responsibility to learn the rules. You must charge tax to any customers and on any goods that don't qualify for a claimed exemption and are taxable by law.

- This form may be reproduced.
- This form is valid only if all information is complete.
- The seller must keep this form.

IV. DATA REQUEST: DETAILED SITE INFORMATION

PLEASE PROVIDE THE FOLLOWING INFORMATION FOR EACH SITE SUBMITTED.

Please provide any marketing material such as the broker's promotional brochure in addition to filling out the information in the table below.

A. SITE INFORMATION DATA REQUEST

SITE INFORMATION

SITE NAME	
CITY	
ADDRESS	
LONG AND LAT COORDINATES	
LOT NUMBER	
Ownership	
Please list property owner(s)	
Is the owner's property represented by a broker? If yes, please provide contact information.	
Asking Price	
Is the property available for sale? (Yes/No)	
What is the asking price?	
Is the property available for lease? (Yes/No)	
What is the asking lease price?	
Site Description	
Size of proposed site (gross & usable acreage)	
Current Zoning	
Is site developed and "shovel-ready"? (Yes/No)	
Surrounding Area Zoning	

SITE INFORMATION

Present Use	
Prior Use	
Describe Adjacent and Surrounding Uses and Tenants	
Any height restrictions? (Yes/No, describe)	
Existing structures on site? (Yes/No, describe)	
Any easements or impediments on site? (Yes/No, describe)	
Topography (max grade variance (meters or feet))	
Soil tests and environmental analysis completed?	
Environmental / Geological	
Please answer Yes/No to the presence of issues below. If yes, please describe:	
Located in flood plain	
Wetlands	
Archaeological issues/features	
Environmental, contamination issues	

Please provide site maps, aerial photographs, and facility plans as applicable. These should identify location of utilities, roads, railroads, easements, etc. In addition, list and include any geotechnical and environmental test studies that have been completed on the site.



B. UTILITY DATA REQUEST

ELECTRIC POWER

Electric Supplier(s)

Name

Contact information (phone number and email)

Current Service

Describe electric power service to site. Include an outline of transmission/distribution rates, power rate structure and reliability. Is the site serviced by dual sources?

WATER

Water Supplier(s)

Name

Contact information (phone number and email)

Current Service

Describe water line servicing the site including available pressure, flow, interruptions and disruption service mitigation.

WASTE WATER AND SEWER PROVIDER

Service Provider(s)	
Name	
Contact information (phone number and email)	
Current Service	
Describe sewer line servicing the site. Outline parameters for effluent flow and quality. Include the COD, TKN, and PH limits. Outline the tiered rate structure.	

GAS

Service Provider(s)	
Name	
Contact information (phone number and email)	
Current Service	
Describe gas servicing the site	



C. TAXES

PROPERTY TAX

Please provide the following property tax information specific to the site, including all special assessments, special districts, etc.

Nominal Real Property Tax Rate _____ %

Assessment Value (% of market value) _____ %

Nominal Personal Property Tax Rate _____ %

Assessment Value (% of market value) _____ %

Please indicate what type of property is taxed (building, land, machinery, personal equipment, etc.)

INVENTORY TAX

Taxable ☐ Yes ☐ No

Tax rate _____ %

Valuation of inventory (i.e., cogs, revenue basis) _____

Please describe any other details necessary for the determination of inventory tax rate or the value of inventory

CORPORATE INCOME TAX

Effective location corporate income tax rate _____ %

SALES & USE TAXES

Total (all national, state/provincial and local) sales tax _____ %

Applicable to:

Manufacturing building labor ☐ Yes ☐ No if yes, rate _____ %

Manufacturing building materials ☐ Yes ☐ No if yes, rate _____ %

Manufacturing equipment ☐ Yes ☐ No if yes, rate _____ %

Electricity ☐ Yes ☐ No if yes, rate _____ %

Water ☐ Yes ☐ No if yes, rate _____ %

Waste Water ☐ Yes ☐ No if yes, rate _____ %

Please describe other taxes that are applicable to *Project Birdseye*.

Information Requested		Vendor response (Please indicate a detailed response to each item on your property)
VACANT LAND SITES		
Land Size:	± 25-35 acres if on site detention is required. (Please provide a site plan and/or survey of the proposed site)	
UTILITIES Client requires the following utilities to the site/building. Client understands that there may be a need to upgrade offsite utilities but sites requiring the least offsite cost to them will be given more consideration. Please confirm the availability* of the following:		
WATER / SEWER PROVIDER: <u>WATER:</u> 450,000 Gallons a Day in Phase I (required) 450,000 Incremental Gallons a Day in Phase II Total Water=900,000@full build out Peak Demand: 1,500 GPM in Phase I 1,800 GPM in Phase II Delivery pressure: 50 psi Please provide the water provider's most recent Consumer Confidence Water Quality Report or a link to its location on the web. <u>SEWER</u> PROVIDER: 90,000 Gallons a Day in Phase I (required) 90,000 Incremental Gallons/Day Phase II (Desired) Total Sewer=180,000 Gallons/Day @full build out Peak Sewer Flow=1,500 GPM in Phase I 1,500 GPM in Phase II Please provide any limitations to TDS discharge Discharge will be reverse osmosis and cooling tower water. With respect to reverse osmosis and cooling tower effluent, nothing goes out that did not come in with the water supply, though dissolved solids and other discharge will be filtered out and discharged in higher concentrations than incoming water supply. Plan for domestic discharge for employees.		
<i>Confirm Water availability and peak demand, and that the site and their infrastructure can support those daily needs.</i> <i>How far is the Main from the facility/site?</i>		

Information Requested	Vendor response (Please indicate a detailed response to each item on your property)
<p><i>Confirm Sewer availability and peak demand and that the site and their infrastructure can support those daily needs.</i></p> <p><i>How far is the Main from the facility/site?</i></p>	
<i>Confirm water and Sewer volumetric charges- Monthly rates.</i>	
<i>Confirm water capacity fees/Impact fees/ and or connection fees.</i>	
<i>Confirm sewer capacity fees/Impact fees/ and or connection fees.</i>	
<i>Confirm sewer discharge qualitative requirements- Any TDS limitations?</i>	
<i>Please confirm that a sewer discharge flow meter can be utilized to accurately measure the sewer flow.</i>	
<p>If the above water and sewer flows are above and beyond infrastructure current capabilities, please let us know the maximum flows per GPM and on average GPD for both water/sewer flows.</p>	
<p>ELECTRIC</p> <p>PROVIDER;</p> <p>(277/480v-2500 kVa transformer)</p> <p>REQUIRED QUALIFICATIONS <u>1 Bottling Line</u></p> <p>Estimated Connected Load (kVA) 7,700 Estimated Demand Load (kWh) 4,000 Estimated Annual kWh 16,000,000</p> <p>DESIRED QUALIFICATIONS <u>2 Bottling Lines</u></p> <p>Estimated Connected Load (kVA) 10,000 Estimated Demand Load (kWh) 6,000 Estimated Annual kWh 34,000,000</p>	
<i>(5) 2500 kVa transformers required at full build out for our requirement?</i>	
<i>Electric utility can meet our peak demand at full build out?</i>	
<i>Annual kWh usage in the range of 32M?</i>	

Information Requested	Vendor response (Please indicate a detailed response to each item on your property)
<i>Estimated detailed Cost analysis for each site from electric utility provider? Identify utility provider?</i>	
<i>How long will it take to bring our power requirements to the site?</i>	
<i>Any construction cost to bring power to site? If so what is estimated amount? Any construction allowance?</i>	
<i>Any economic development rate for electricity rate?</i>	
NATURAL GAS PROVIDER: <div> <div>Est'd Maximum Rate (CFH) (5 psi)</div> <div>Up to 11,000</div> <div>Annual Therms:</div> <div>100,000</div> </div>	
<i>Project needs gas delivery at 5 psi.</i>	
<i>How long will it take to bring our Natural Gas requirements to the site?</i>	
<i>Any construction cost to bring Natural Gas to site? If so what is estimated amount? Any construction allowance?</i>	
<i>Any economic development rate for NG rate?</i>	
MISCELLANEOUS	
<i>Tax Parcel Number(s) or equivalent and Address?</i>	
<i>Please provide a list or a link to all permitting fees required for the development of the property?</i>	
<i>Current site condition (topography, soil, etc) Please provide geotechnical study if available.</i>	
<i>Does the site have all environmental approvals required? If not, what additional environmental work needs to be done to comply with environmental laws?</i> <i>Does site have site plan approval?</i> <i>Has an environmental impact report ("EIR") been completed on the property? If so, when? Please provide copy or link to EIR.</i>	

<i>What is the zoning of the property? Any restrictions on plastics manufacturing? Any operational limitations i.e. truck traffic, hours of operation etc.</i>	
<i>Are there development impact or traffic impact fees? If so, how much is the cost/SF?</i>	
<i>Does the site have a Phase I environmental site assessment ("Phase I ESA"). If so, please provide copy or electronic link.</i>	
<i>Are there other one-time fees associated with the development of the property? If so, what fees are they and how much?</i>	
<i>What is the most likely timeframe for securing site plan approval and securing a grading permit from planning submission assuming a build to suit opportunity? An estimated range is sufficient?</i>	
<i>Are there any height restrictions on the property based upon the zoning, airports, or other restrictions? If so, describe the process and length of time to secure approval of a height larger than the zoning allows (i.e variance, conditional use permit, etc)</i>	
<i>What is the maximum site coverage ratio including any required storm water mitigation?</i>	
<i>Any wetlands or other set aside habitat on the property? If so, have they been delineated?</i>	
<i>Does the site have sidewalk, curb & gutter? What existing utilities are stubbed to the site.</i>	

**Buildings/sites without confirmed utility information will not be toured. Due to time limitations, please answer all the above items and provide any supporting documentation.*



JHJCC, LLC
PO Box 1604
Idaho Falls, ID 83403
(208) 529-3312-phone

February 16, 2018

City of Idaho Falls Mayor and Council
Idaho Falls Power
RE: Modification to the Waiver of Electrical Line Extension Fees Map / City Resolution 2016-29

Attention: Brad Cramer, Mayor Casper and Council

Dear Mayor Casper and Council,

I'm requesting, with this letter, that you please put Jackson Hole Junction Commercial Center (JHJ) on your City Council agenda on February 22, 2018 for our request to modify the Waiver of Electrical Line Extension Fees map to include the Jackson Hole Junction Commercial Center. This request would be consistent with the current map that now includes most all of the areas in the City of Idaho Falls core that have and/or include the existing URA Districts and those areas of Idaho Falls that are targeted for Economic Development and Redevelopment as stated numerous times in the 2016-29 Resolution. It is our understanding that it is the City's intent to review this Resolution map on an annual basis which, with this request, would be the first time the map has been reviewed for consideration in making adjustments and area increases.

In addition to the modification to the Map to include Jackson Hole Junction Commercial Center (IFRA TIF District), we are at this time requesting a waiver of the electrical line extension fees for our public utility and infrastructure improvements for JHJ that provides for public utilities and power backbone services that establish power for not only JHJ but provides for the electrical line extension well to the North and East of the JHJ development.

Construction is currently underway with the power line extension facilities that are outside of the JHJ development that are a substantial line extension opportunity for the City of Idaho Falls power to the east on Pioneer Road that is off the JHJ development site. This line extension project now underway has become feasible only because of the JHJ Development project and includes those utilities terminating on lands that had to be purchased by the JHJ partners that are off of the JHJ site for purposes of placing utility lines and infrastructure at a location that they can be extended even further to the North and East in the future.

The 2016-29 Resolution states the following:

- That the Comprehensive plan recommends and encourages development where the City Infrastructure already exists as a way to effectively manage growth and maintain provisions for City Services.
 - The City power infrastructure does currently exist with City power lines available on Sunnyside Road which is the means for growth and to provide provisions for City Services as we are now doing with the line extension on Pioneer Road.
- Idaho Falls Power has the ability to provide electrical utility services within the City Limits.
 - JHJ Development provides exactly that with electrical services to this new City of Idaho Falls 42 acre commercial center development and its almost 440,000 total square feet of new commercial building space and new businesses in the City of Idaho Falls. This is in addition to the very important line extension services through and beyond the JHJ development

boundaries that are very important to the loop and connection opportunities in the greater Idaho Falls area to the north and east.

- Council desires that development pay for infrastructure required to support new development (rather than rate payer and customers of IFP subsidizing infrastructure).
 - The Council desire for “development to pay for development” is understood but this provision in the resolution is somewhat contradictory to the rest of the resolution in our opinion. In addition, other line extension fees have been waived for other new development projects that are in the other City URA District areas where this provision appears to be ambiguous to what is actually considered development paying for development. We see the waiver of the line extension fees as more of the City Power partnering with new development with the facts clearly on the table with the provision in the resolution “Whereas, the City Code and City Resolution provides for electrical line extension fees that recover costs incurred to extend IFP infrastructure”. With our request to modify the map to include JHJ and the waiver of the line extension fees, the City of Idaho Falls Power will clearly and most obviously recover these costs with a pay back and upside to the City Power in just a few short years and with a huge upside in power billings with a new development project the size of JHJ. We have provided for your review and consideration the Exhibit A to this requests of City Council that shows the total estimated annual “power billings” combined for the JHJ development and new buildings of roughly \$300,000.00. This does not include consideration for the house metering of parking lot lights and other billable signage and other facilities in the development. The recovery of line extensions fees and what JHJ provides in billable power services in the years and decades to come is very substantial.

Please keep in mind, with your consideration of our request, that our URA plan does call for a power infrastructure dollar amount in our plan that is being far exceeded with our hard development costs. I’m sure that is the case with some or all of the other URA Districts that are included on the Comprehensive Resolution map that have had their line extension fees waived.

- Whereas, in certain geographical areas, the City wishes to promote development or redevelopment.
 - This is one provision in the resolution that we believe is contradictory to “Development should pay for Development”. This provision seems to offer an open door for the City Council to determine what they “wish to promote” (or partner in with developers like those now on the map and having had line extension fees waived). We would surely hope that the Council would wish to help promote the JHJ development efforts and partner with us in providing relief with hard upfront development costs that we can use in our efforts to provide more attractive pricing and deals with the new business and national tenants and operators that we are pursuing with their expansion efforts around the country and to include the City of Idaho Falls in that. Once again, there is a fast recovery of these fees with tremendous billable power service benefits for years and decades to come.
- Waiver of electrical line extension fees is one method that may encourage development (and redevelopment) within the City limits where infrastructure already exists.
 - Once again the power infrastructure already exists on the power lines on Sunnyside road that make JHJ possible, but those existing power utilities have a long ways to go with risk and expense to create power services for JHJ and the greater surrounding area that JHJ is making possible. City Council approval to modify the Resolution map and add JHJ to that map and to approve waiving the extension line fees is surely one method of “encouraging development”.
- The resolution clearly states in more than one provision that City Code allows for the waiver of the fees in certain geographical areas. We believe JHJ most definitely qualifies to be added to the map from a geographical position with consideration of the other areas on the map and for the tremendous benefits that the City will receive.

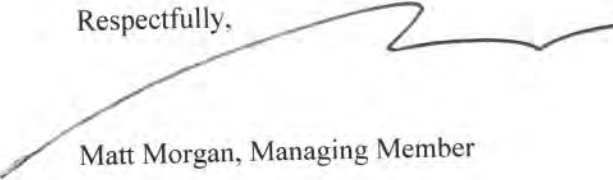
The final Resolution in items #1 and #2 clearly call out all the reasons that our request should be heard and considered.

With this request, it will be the City's first review of the map and resolution which was the City's intent to do annually.

We have provided an Exhibit B to this request to show the substantial impact that this JHJCC development will bring to the City in addition to the billable power services with JHJ but more so the tax revenues that will be collected for a look at the long term benefits to the City for decades to come.

We respectfully request that the City Council add the JHJ development area to the Resolution Map and to waive the power line extension fees for the development. We are ready and willing to answer any questions you may have.

Respectfully,



Matt Morgan, Managing Member

EXHIBIT A

Electricity Consumption Estimates

Building type	kWh / per square feet	Square footage at JHJ	Annual kWh	Daily kWh
Resturant	38.4 kWh/Sqft	76760 square feet	2947584 kWh	8076 kWh
Hotel	13.5 kWh/Sqft	186788 square feet	2521638 kWh	6909 kWh
Big Box Retail	14.3 kWh/Sqft	171319 square feet	2449862 kWh	6712 kWh
Convenience Store	14.3 kWh/Sqft	5125 square feet	73288 kWh	201 kWh
Office	14.5 kWh/Sqft	square feet	0 kWh	0 kWh
Total Square Footage at JHJ		439992 square feet		

=Annual kWh/365 days

=kWh /Square foot * Square footage

Monthly kWh	Annual usage cost in Idaho Falls	Monthly usage cost in Idaho Falls	Daily usage cost in Idaho Falls
245632 kWh	\$ 114,955.78	\$	\$ 9,579.65
210137 kWh	\$ 98,343.88	\$	\$ 8,195.32
204155 kWh	\$ 95,544.61	\$	\$ 7,962.05
6107 kWh	\$ 2,858.21	\$	\$ 238.18
0 kWh	\$ -	\$	\$ -
Total Annual Cost	\$ 311,702.48		

=Annual kWh/12 months

= Annual kWh * IFP cost per kWh (\$.039) =Annual usage Cost /12 months

=Annual usage Cost /365 Days

314.95
269.44
261.77
7.83

EXHIBIT "B"

Jackson Hole Junction
Estimated Property Taxes to the City after URA District Expires

Estimated Property Value at Completion of Project	City Tax Levy	Annual Revenues	5 years of Taxes	10 years of Taxes	20 years of Taxes
· \$ 125,000,000.00	1.3%	\$ 1,625,000.00	\$ 8,125,000.00	\$ 16,250,000.00	· \$ 32,500,000.00



February 22, 2018

Matt Morgan
JHJCC, LLC
P.O. Box 1604
Idaho Falls, ID 83403

Re: Response to fee waiver request letter dated February 16, 2018

Dear Mr. Morgan,

I would like to start by expressing my support and appreciation for your efforts and hope for a very successful outcome for Jackson Hole Junction in the City of Idaho Falls. I also understand there many complexities and costs associated with siting such a development. However, I feel the need to respond to your letter in that there are a few misunderstandings related to our cost recovery and the intent of the 2016-29 Resolution.

Idaho Falls Power is a non-profit municipally owned electric utility. As such, there is no profit margin imbedded in the rates, nor is there an added cost to cover new development through power usage. Our rates cover only power purchase costs, planned capital improvements, and operations and maintenance. Therefore, any development costs, if paid by the utility, would be subsidized by the rate-payers, and may require a rate increase. Even the largest of consumers of power would not pay the cost of their infrastructure through the power bills alone.

When City staff drafted the Comprehensive Plan, our intent with the language to, "encourage development where City infrastructure already exists," was intended for those areas where roads, sewer, water, and power are already installed. In other words, all infrastructure. The intent was to incentivize developers to look at vacant areas and buildings within the City and renovate those areas. Having a power line adjacent to a development on the periphery of town, such as along Sunnyside Road, was not what our thoughts were in the development of the Plan.

Idaho Falls Power is responsible for reliable power service. Towards that goal we have requested to co-locate in the power trench for the development additional conduit for a feed through the development. In so doing we are ensuring a more reliable and stable localized grid that will benefit Jackson Hole Junction. It is development and load growth, such Jackson Hole Junction that requires such additions to our system. Please recognize that Idaho Falls Power is not charging the development for that additional installation.

I appreciate your time in reading this letter. My purpose was to convey our thoughts and potentially clear any misunderstandings of the purpose of the fee waivers before moving forward with your request.

Please feel free to call me if you would like to discuss further. My desk number is 612-8428.

Sincerely,

Richard Malloy
Engineering Manager

C: Jackie Flowers, General Manager
Brad Cramer, Community Development Services Director

QUOTE



Date: 2-9-2018
Expiration Date: 8-9-2018
Invoice Number 30348

Idaho Falls Power
140 South Capital Ave
Idaho Falls, ID 83402
Office (208) 612-8322
Fax (208) 612-8435
Email: acunningham@ifpower.org

TO: Matt Morgan
5145 Heyrend Dr.
Idaho Falls, Idaho 83402
Office (208) 529-3312

Jackson Hole Junction (Line Extension Fees)

QTY	DESCRIPTION	LUMP SUM PRICE	LINE TOTAL
6495 LF	Underground Primary 3-Phase 4/0 Conductor Cable	\$63,961.14	\$63,961.14
120 LF	Underground Primary Single-Phase 1/0 Conductor Cable	\$354.51	\$354.51
8	Single-Phase Primary Elbows	\$316.50	\$316.50
120	3-Phase Primary Elbows	\$4,842.68	\$4,842.68
4	Single-Phase Primary Protective Caps	\$97.41	\$97.41
116	3-Phase Primary Protective Caps	\$2,824.99	\$2,824.99
4	Single-Phase Pad Mount 15 kVA 240/120 transformer w/ material	\$6,216.56	\$6,216.56
20	3-Phase Sectionalizing Cabinet	\$30,203.09	\$30,203.09
60 LF	4" PVC Schedule 40 conduit w/ Bell End	\$120.41	\$120.41
26	Pulling Lubrications for underground conductors (2.1/2 Gallon Containers)	\$647.94	\$647.94
1	3-Phase (795 OH-4/0 UG) Underground Dip w/ Materials	\$957.15	\$957.15
1	Idaho Falls Power Labor Installation	\$128,827.81	\$128,827.81
4	(Credit) 7 x 12 Concrete Vault Provided by Contactor (4 at \$6,075.00)	-\$24,300.00	-\$24,300.00
		TOTAL	\$215,070.19

Quotation prepared by: Alan Cunningham

This quote is preferably to be paid at the City Building Department at the time of platting for residential or permitting for commercial. If payment is not made at the Building Department, please make check payable to Idaho Falls Power and send to:

Idaho Falls Power
Attn: Richard Malloy
P.O. Box 50220
Idaho Falls, Idaho 83405-0220

This quote is valid for six months subject to change if there are modifications to design or Council approved fee increases. Consistent with City Ordinance, all costs associated with installation of new electrical infrastructure must be paid in advance of installation.

Thank you for your business!

QUOTE



Date: 2-9-2018
Expiration Date: 8-9-2018
Invoice Number 30348

Idaho Falls Power
140 South Capital Ave
Idaho Falls, ID 83402
Office (208) 612-8322
Fax (208) 612-8435
acunningham@ifpower.org

TO: Matt Morgan
5145 Heyrend Dr.
Idaho Falls, Idaho 83402
Office (208) 529-3312

Jackson Hole Junction (Street Light Fees)

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
27	City of Idaho Falls Standard Street Light 124 Watt LED (Material only)	\$1,538.31	\$41,534.37
TOTAL			\$41,534.37

Quotation prepared by: Alan Cunningham

Consistent with City Ordinance Title 8, Chapter 5, all costs associated with installation of new electrical infrastructure must be paid in advance of installation. This quote is preferably to be paid at the City Building Department at the time of platting for residential or permitting for commercial. If payment is not made at the Building Department, please make check payable to Idaho Falls Power and send to:

Idaho Falls Power
Attn: Richard Malloy
P.O. Box 50220
Idaho Falls, Idaho 83405-0220

The work will be scheduled upon receipt of payment. This quote is valid for six months and is based solely on current pricing and field conditions. Any changes or modifications made after this date may add additional costs.

Thank you for your business!

Cost Estimate for IFP Material (6 Inch Conduit) for JHJ

Item	Quantity	Unit	Price/Unit	Total
7'x 12 Concrete Vault w/o Install	4	Each	\$7,000.00	\$28,000.00
6" RGS Elbows	2	Each	\$1,000.00	\$2,000.00
6" RGS Conduit	20	Linear Feet	\$50.00	\$1,000.00
6" PVC Conduit	6060	Linear Feet	\$5.00	\$30,300.00
6" PVC Elbows	2	Each	\$200.00	\$400.00
6" PVC Couplings	1	Lump Sum	\$1,000.00	\$1,000.00
Misc	1	Lump Sum	\$10,000.00	\$10,000.00
				\$0.00
				\$0.00
			Total	\$72,700.00

Cost Estimate for (IFP Crew) Underground 1100 for JHJ

Item	Quantity	Unit	Price/Unit	Total
1100 Underground Three Phase Conductor	3210	Linear Feet	\$30.00	\$96,300.00
Misc. Terminators/Splices Etc.	1	Lump Sum	\$10,000.00	\$10,000.00
IFP Labor for Underground	1	Lump Sum	\$60,100.00	\$60,100.00
900 Amp Load-Interrupter Switch	1	Each	\$75,000.00	\$75,000.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
			Total	\$241,400.00

FLOOD DAMAGE PREVENTION ORDINANCE – IDAHO MODEL ORDINANCE

ORDINANCE NO. _____

Article I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

Section A. Statutory Authority

The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the {Board, Council, etc.} of the {insert name of community}, Idaho does hereby ordain as follows:

Section B. Findings of Fact

1. The flood hazard areas of {insert name of community} are subject to periodic inundation that results in:
 - a. loss of life and property;
 - b. health and safety hazards;
 - c. disruption of commerce and governmental services;
 - d. extraordinary public expenditures for flood relief and protection; and
 - e. impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
3. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

Section C. Statement of Purpose

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

1. Protect human life, health, and property;
2. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
4. Minimize expenditure of public money for costly flood control projects;
5. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;
6. Minimize prolonged business interruptions;
7. Ensure potential buyers are notified the property is in an area of special flood hazard; and
8. Ensure those who occupy the areas of special flood hazard assume responsibility for their actions.

Section D. Objectives and Methods of Reducing Flood Losses

In order to accomplish its purpose, this ordinance includes methods and provisions to:

1. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;
2. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
4. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
5. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

Article II. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted according to the meaning they have in common usage and to give this ordinance it's most reasonable application.

REQUIRED DEFINITIONS are in blue italics. State recommends adopting all definitions.

Accessory Structure (appurtenant structure): a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

Addition (to an existing building): an extension or increase in the floor area or height of a building or structure.

Appeal: a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

Area of Shallow Flooding: a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: see Special Flood Hazard Area (SFHA).

Base Flood: *the flood having a one (1) percent (1%) chance of being equaled or exceeded in any given year.*

Base Flood Elevation (BFE): *a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.*

Basement: *any area of the building having its floor sub grade (below ground level) on all sides.*

Building: see Structure.

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

Datum: the vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

Development: *any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.*

Development Activity: any activity defined as Development which will necessitate a Floodplain Development Permit; such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

Digital Flood Insurance Rate Map (DFIRM): the digital official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Elevated Building: for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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

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

Encroachment: the advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction: for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing Manufactured Home Park or Manufactured Home Subdivision: a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, {insert the date of original floodplain ordinance/regulations}.

Existing Structures: see existing construction.

Expansion to an Existing Manufactured Home Park or Subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1. The overflow of inland or tidal waters.*
- 2. The unusual and rapid accumulation or runoff of surface waters from any source.*
- 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.*

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

Flood Elevation Determination: See Base Flood Elevation (BFE)

Flood Elevation Study: See Flood Insurance Study (FIS)

Flood Hazard Boundary Map (FHBM): an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): *an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).*

Flood Insurance Study (FIS): *an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.*

Flood Zone: a geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

Floodplain or Flood-Prone Area: any land area susceptible to being inundated by water from any source (see definition of “flooding”).

Floodplain Administrator: the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit: any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Floodplain Management: the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

Floodplain Management Regulations: zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation (FPE): *the Base Flood Elevation plus the Freeboard.*

- a. *In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus {insert number} feet of freeboard; and*
- b. *In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least {insert number} feet above the highest adjacent grade.*

Two (2) feet is State-recommendation, greater than two (2) feet is OPTIONAL.

Flood Protection System: those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway: *the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.*

Freeboard: a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the

freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be {insert number} of feet. *Two (2) feet is State-recommendation, greater than two (2) feet is OPTIONAL.*

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

Highest Adjacent Grade (HAG): the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

Historic Structure: a structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. by an approved state program as determined by the Secretary of the Interior, or
 2. directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC): a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F)

1. **Letter of Map Amendment (LOMA):** an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.
2. **Letter of Map Revision (LOMR):** FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report,

and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

3. **Letter of Map Revision Based on Fill (LOMR-F)**: FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.
4. **Conditional Letter of Map Revision (CLOMR)**: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Levee: a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System: a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Adjacent Grade (LAG): the lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

Lowest Floor: *the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3 and this ordinance.*

Manufactured Home: *a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."*

Manufactured Home Park or Subdivision: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value: the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Mean Sea Level: for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which Base Flood Elevations (BFEs) shown on a community's FIRM are referenced.

Mudslide (i.e., mudflow): describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e., mudflow) Area Management: the operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.

Mudslide (i.e., mudflow) Prone Area: an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

National Flood Insurance Program (NFIP): The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

New Construction: for floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Any construction started after {insert effective date of community's first floodplain management ordinance adopted by the community} and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New Manufactured Home Park or Subdivision: a place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community {insert the date of the effective FIRM}.

Post-FIRM: construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

Pre-FIRM: construction or other development for which the “start of construction” occurred before {insert effective date of community’s first floodplain management ordinance adopted by the community}, the effective date of the initial Flood Insurance Rate Map (FIRM).

Recreational Vehicle: *a vehicle that is:*

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

Regulatory Floodway: *See Floodway*

Remedy a Violation: to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive Loss Structure: An NFIP-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978.

Riverine: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA): the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: *a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.*

Substantial Damage: *damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of its market value before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred. (The last sentence is OPTIONAL but required for eligibility for Increased Cost of Compliance (ICC) benefits for repetitive losses.)*

Substantial Improvement: *any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:*

- 1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or*
- 2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure” and the alteration is approved by variance issued pursuant to this ordinance.*

Technical Bulletins and Technical Fact Sheets: FEMA publications that provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U S Code of Federal Regulations § 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area. *(This definition is OPTIONAL)*

Temperature Controlled: having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance: a grant of relief by the governing body from a requirement of this ordinance.

Violation: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Watercourse: a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Article III. GENERAL PROVISIONS

Section A. Lands to Which This Ordinance Applies

This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of {insert name of community}. Nothing in this ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

Section 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 {insert title of FIS}, dated {insert the date of effective FIS}, 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 the office of the {city/county} clerk {insert address}.

Section 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 Article IV Section B.

Section 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.

Section 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.

Section F. Interpretation

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

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of {insert name of community} or by any officer or employee thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.

Section H. Penalties for Violation

No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this ordinance and other applicable regulations.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$____ (*\$100 recommended*) or imprisoned for not more than 180 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the {insert name of community} from taking such other lawful actions as is necessary to prevent or remedy any violation.

Article IV. ADMINISTRATION

Section A. Designation of Floodplain Ordinance Administrator

The {insert title}, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance.

Section B. Duties and Responsibilities of the Floodplain Administrator

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

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
3. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of Article V, Section E are met.
6. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article IV, Section C.3.
7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article IV, Section C.3.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article IV, Section C.3.
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article IV, Section C.3. and Article V, Section B.2.
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or flood fringe areas (for example, where there appears to be a

conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

11. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Article III, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a Federal, State, or other source, including data developed pursuant to Article V, Section C.2., in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of Article III, Section B, obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
13. *When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file. (13 is OPTIONAL)*
14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked

for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
19. Follow through with corrective procedures of Article IV, Section D.
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of Article III, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

Section C. Floodplain Development Application, Permit, and Certification Requirements

1. Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - ii. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article III, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - iii. the flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article III, Section B;

- iv. the boundary of the floodway(s) or flood fringe area(s) as determined in Article III, Section B;
- v. the Base Flood Elevation (BFE) where provided as set forth in Article III, Section B; Article III, Section C; or Article V, Section C;
- vi. the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
- vii. *the certification of the plot plan by a registered land surveyor or professional engineer. (vii is OPTIONAL)*
- b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - i. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - ii. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and
 - iii. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- c. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - i. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and
 - ii. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article V, Section B.4.d.i-vi when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.
- e. Usage details of any enclosed areas below the lowest floor.
- f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- g. Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.
- h. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Article V, Section B.6 and 7 of this ordinance are met.
- i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering 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
 - i. A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

2. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:
 - a. A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, etcetera).
 - b. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article III, Section B.
 - c. The Flood Protection Elevation required for the lowest floor and all attendant utilities.
 - d. The Flood Protection Elevation required for the protection of all public utilities.
 - e. All certification submittal requirements with timelines.
 - f. A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.
 - g. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.
 - h. All floodplain development permits shall be conditional upon the start of construction of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has commenced as per the Start of Construction definition.
 - i. *A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only). (h is OPTIONAL)*
 - j. *A statement that all materials below BFE/FPE must be flood resistant materials. (i. is OPTIONAL)*
3. Certification Requirements.
 - a. Elevation Certificates
 - i. *A Construction Drawings Elevation Certificate (FEMA Form 86-0-33) is 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 elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. (STATE RECOMMENDED BUT OPTIONAL)*
 - ii. *A Building Under Construction Elevation Certificate (FEMA Form 86-0-33) is required after the lowest floor is established. Within seven (7) calendar days of establishment of the lowest floor elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain*

Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project. (STATE RECOMMENDED BUT OPTIONAL)

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

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

(THE FEMA ELEVATION CERTIFICATE IS OPTIONAL FOR FLOODPLAIN MANAGEMENT ELEVATION DATA, BUT IS STATE RECOMMENDED. THE USE OF THE FEMA ELEVATION CERTIFICATE IS REQUIRED FOR THE PURCHASE OF FLOOD INSURANCE.)

- 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 lowest floor 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 Article V, Section B.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 Article V, Section B.5.a;
 - ii. Temporary Structures meeting requirements of Article V, Section B.6; and
 - iii. Accessory Structures less than 200 square feet meeting requirements of Article V, Section B.7.
4. Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
- a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

- d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.

SECTION D. Corrective Procedures

1. Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
2. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - a. that the building or property is in violation of the floodplain management regulations;
 - b. that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - c. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
3. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (____) calendar days. (*One-hundred-eighty (180) calendar days or less is recommended*) Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
4. Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
5. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply

with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. Variance Procedures

1. The {appeal board} as established by {community}, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
2. Variances may be issued for:
 - a. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - b. functionally dependent facilities, if determined to meet the definition as stated in Article II of this ordinance, provided provisions of Article IV, Section E.9.b, c, and d, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - c. any other type of development, provided it meets the requirements of this Section.
3. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location as defined under Article II of this ordinance as a functionally dependent facility, where applicable;
 - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

- k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- 4. The applicant shall include a written report addressing each of the above factors in Article IV, Section E.3.a-k with their application for a variance.
- 5. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- 6. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- 7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of Idaho upon request.
- 8. Conditions for Variances:
 - a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b. Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Variances shall only be issued prior to development permit approval.
 - e. Variances shall only be issued upon:
 - i. a showing of good and sufficient cause;
 - ii. a determination that failure to grant the variance would result in exceptional hardship; and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

- a. The use serves a critical need in the community.
 - b. No feasible location exists for the use outside the Special Flood Hazard Area.
 - c. The lowest floor of any structure is elevated or floodproofed to at least the Flood Protection Elevation.
 - d. The use complies with all other applicable Federal, State and local laws.
10. The {insert name of community} will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.
11. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Idaho Code 67-6535.

Article V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

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

1. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.
3. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.
4. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:
 - a. be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and
 - b. include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;
 - v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
9. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
10. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article IV, Section E.9. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater

treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of Article IV, Section C.3.

12. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.
13. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
15. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
16. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
17. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.
18. *Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision (CLOMR-F or LOMR-F). (OPTIONAL)*

Section B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article III, Section B, or Article V, Section D, the following provisions, in addition to the provisions of Article V, Section A, are required:

1. **Residential Construction.** New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in Article II of this ordinance.
2. **Non-Residential Construction.** New construction, substantial improvements, and development of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than the Flood Protection

Elevation, as defined in Article II of this ordinance. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with Article V, Section F.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article IV, Section C.3, along with the operational plan and the inspection and maintenance plan.

3. Manufactured Homes.

- a. New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the Flood Protection Elevation, as defined in Article II of this ordinance.
- b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- c. All enclosures or skirting below the lowest floor shall meet the requirements of Article V, Section B.4.
- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

4. Additions/Improvements.

- a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are
 - i. not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or
 - ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

- b. Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are
 - i. not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or
 - ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - d. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a {insert number of years} year period, the cumulative cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the {insert number of years} year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - i. any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or
 - ii. any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- 5. Recreational Vehicles. Recreational vehicles shall be either:
 - a. Temporary Placement
 - i. be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - b. Permanent Placement.
 - i. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in Article V, Section A.
- 6. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- a. a specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;
 - b. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - c. the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
 - d. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - e. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
7. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all accessory structures in accordance with Article IV, Section C.3, and the following criteria shall be met:
- a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
 - b. Accessory structures shall not be temperature-controlled;
 - c. Accessory structures shall be designed to have low flood damage potential;
 - d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - e. Accessory structures shall be firmly anchored in accordance with the provisions of Article V, Section A.1;
 - f. All service facilities, such as electrical, shall be installed in accordance with the provisions of Article V, Section A.4; and
 - g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of Article V, Section A.8.b.4.i.-vi.
- An accessory structure with a footprint less than 200 square feet and is a minimal investment of \$_____ (*recommend \$7,500*) or less and satisfies the criteria outlined in a - g above is not required to meet the elevation or floodproofing standards of Article V, Section B.2.
8. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- a. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
 - b. Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

- c. Not elevated above-ground tanks, that do not meet the elevation requirements of Article V, Section B.2 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - d. Tank inlets, fill openings, outlets and vents shall be:
 - i. at or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and
 - ii. anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
9. Construction of Below-Grade Crawlspace.
- a. The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).
 - b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.
 - c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
 - d. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.
- See Technical Bulletin 11 for further information.*
- Caution:*
- Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation of the crawlspace soil at or above the Base Flood Elevation (BFE).*
10. Other Development in regulated floodways and flood fringe.
- a. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance.
 - b. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance.
 - c. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of Article V, Section E of this ordinance.

- d. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance.
- e. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance
- f. *Gravel and sand and their subsequent extraction on lands within the Special Flood Hazard Area that encroach into regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance. A Reclamation Plan Bond for LOMR shall be posted by the mine/property owner with {insert name of community} to cover the estimated costs of a Reclamation LOMR as determined by the mine/property owner and shall provide supporting documentation for the estimated LOMR cost. A Reclamation LOMR shall be completed within one year of the completion of mining. Upon failure of the property owner to obtain a Reclamation LOMR of the mining site within one year, the Reclamation Plan Bond for LOMR will be forfeited. (OPTIONAL)*

11. Subdivision plats.

Flood zones.

- a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- b. FEMA FIRM panel(s): #160xxxxxxC, & 160xxxxxxE, etc.
 FIRM effective date(s): mm/dd/year
 Flood Zone(s): Zone X, Zone A, Zone AE, Zone AO, Zone, AH, Zone D, etc.
 Base Flood Elevation(s): AE _____.0 ft., etc.
 Flood Zones are subject to change by FEMA & all land within a floodway or floodplain is regulated by _____ chapter/section of the City/County Code.

12. Critical Facilities:

As a best practice, FEMA recommends protection that exceeds code minimums. For example, FEMA 543, Design Guide for Improving Critical Facility Safety from Flooding and High Winds (2007) recommends protecting critical facilities to withstand at least a 0.2-percent-annual-chance flood event (often called the “500-year flood event”). Flood elevations for the 0.2-percent-annual-chance flood may be greater than the elevation specified by ASCE 24. If federal funding or other Federal action is involved, the requirements of Executive Order 11988 – Floodplain Management may necessitate protection of critical actions to the 500-year flood elevation (critical actions may include the construction and repair of critical facilities). Optional

In existing facilities that have not been substantially damaged, it may not be possible to floodproof or elevate to provide protection from the 0.2-percent-annual-chance flood event. In those instances, floodproofing or elevating as high as practical is recommended. *Three (3) feet is State-recommendation, greater than three (3) feet is OPTIONAL.*

Section C. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in Article III, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article V, Section A, 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 Article V, Sections A 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 Article V, Sections B 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 Article III, Section B 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 lowest floor 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, as defined in Article II. All other applicable provisions of Article V, Section B shall also apply.

Section 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:

1. Standards of Article V, Sections A and B; and
2. Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

Section E. Standards for Floodways and Flood Fringe Areas

Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in Article III, Section B. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article V, Sections A and B, shall apply to all development within such areas:

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

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

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and

where the path of flooding is unpredictable and indeterminate. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

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

Article VI. LEGAL STATUS PROVISIONS

Section A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance

This ordinance, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted {adoption date of the community's initial Flood Damage Prevention Ordinance} as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of {insert name of community} enacted on {adoption date of the community's initial Flood Damage Prevention Ordinance}, as amended, which are not reenacted herein are repealed.

Section B. Effect upon Outstanding Floodplain Development Permits

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

outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

Section C. Severability

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

Section D. Effective Date

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

Enacted by the {Board, Council, etc.} as an ordinance of the {insert name of community} on the ____ day of _____, 201__.

Approved by {insert name and title of chief elected official} on the ____ day of _____, 201__.

{INSERT NAME OF COMMUNITY}

{insert name and title of chief elected official}

ATTEST:

{insert name of clerk}, {City/County} Clerk