

6. Drainage crossing proposed. If the project requires crossing a conveyance channel or drainage, add 5 points.

7. Buffer strip. If the project has a useable buffer strip which provides the appropriate level of treatment for the type of project proposed, subtract 10 points.

8. The points for each factor shall be added and the risk category shall be determined from the point total as follows:

<b>Point Total</b>	<b>Risk Category</b>
0-10	Low risk
11-20	Moderate risk
> 20	High risk

(Ord. 546, 10-22-19)

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## **Article 7.2 Flood Damage Prevention**

### **8.7.201: GENERAL PROVISIONS:**

A. Applicability. The provisions of this article shall apply to all special flood hazard areas within the jurisdiction of Kootenai County. Nothing in this ordinance is intended to allow uses or structures that are otherwise prohibited by other provisions of this title.

B. Findings of Fact.

1. The special flood hazard areas of Kootenai County are subject to periodic inundation that results in the following adverse effects on the public health, safety, and general welfare:

- 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.

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

3. Pursuant to the authorities set forth in section [8.1.102](#) of this title, local governments have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

C. Methods of Reducing Flood Losses. In order to accomplish its purposes, this article includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazard in other areas; and
6. Requiring adherence to the regulations pertaining to erosion and sediment control, and stormwater management, contained in [article 7.1](#) of this chapter.

D. Basis for Special Flood Hazard Areas. The special flood hazard areas identified by FEMA in its Flood Insurance Study (FIS) for Kootenai County, Idaho, and Incorporated Areas, dated May 3, 2010, with accompanying Flood Insurance Rate Maps (FIRM) and/or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are hereby adopted by reference and declared to be a part of this article. The FIS and the FIRM are on file with the Department. Additional special flood hazard areas may be designated in accordance with the procedures set forth in subsection [8.7.205\(D\)](#) of this article.

1. Base Flood Elevations Established. For purposes of this article, base flood elevations for the following lakes shall be considered to be the following elevations, as established in the FIS, according to the North American Vertical Datum of 1988 (NAVD88):

Lake	Elevation (in feet)
Hauser Lake	2195.0
Spirit Lake	2448.1
Fernan Lake	2139.3
Hayden Lake	2246.8
Twin Lakes	2319.6
Lake Coeur d'Alene	2139.3
Lake Pend Oreille	2073.7*

\* Base Flood Elevation for Lake Pend Oreille established in the Bonner County FIS, as referenced in FEMA product ID#16017CV00013.

2. Base flood elevations for other bodies of water shall be determined through consideration of information provided by FEMA or other authoritative sources. Any affected person contesting the location of the boundary shall be given a reasonable opportunity to appeal any such interpretations in accordance with chapter 8, [article 8.5](#) of this title.

E. Establishment of Floodplain Development Permit. A floodplain development permit shall be required in conformance with the provisions of section [8.7.206](#) of this article before any floodplain development may begin.

F. Compliance. No structure or land within a special flood hazard area shall hereafter be located, constructed, developed, extended, converted, or altered in any way except in full compliance with the terms of this article and other applicable provisions of this title and Title 7, Chapter 1 of this code. This subsection shall not apply to routine maintenance of structures or to agricultural or forestry activities. (Ord. 545, 10-9-19)

### **8.7.202: DEVELOPMENT IN FLOODWAYS:**

A. Description. Located within special flood hazard areas are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential.

B. Restrictions on Development in Floodways. No floodplain development shall be permitted in any designated floodway except new construction solely for the replacement or substantial improvement of an existing residential or commercial structure and accessory buildings in conjunction with an existing residential or commercial use, and except as provided in paragraph (6) of this subsection. Additionally, access roads may be permitted to cross the floodway where no alternative access ways which do not encroach on the floodway are possible. All floodplain development permitted in a floodway shall comply with the following standards:

1. Floodplain development based on a no-rise certification.

a. For approval of a floodplain development permit for floodplain development within a floodway based on a no-rise certification, a qualified professional engineer licensed by the State of Idaho must submit a no-rise certification which demonstrates, through hydrologic and hydraulic analyses prepared in accordance with standard engineering practice (with supporting technical data), that the proposed floodplain development would not result in an increase in flood levels during the occurrence of the base flood.

b. All foundations for new construction and substantial improvement shall be designed by a qualified engineer licensed by the State of Idaho and constructed to withstand the hydrodynamic and hydrostatic pressures during the discharge of the base flood. If flood velocities are excessive (greater than four feet (4') per second), foundation systems other than solid foundation walls are required so that obstructions to damaging flows are minimized.

2. Submittal of a Conditional Letter of Map Revision (CLOMR) approved by FEMA with a floodplain development permit application. A Letter of Map Revision (LOMR) must be

obtained within six (6) months of the start of construction of the proposed floodplain development.

3. On existing lots of record where sufficient lot area is available, all floodplain development, including fill, new construction, and substantial improvements to existing structures, shall occur outside of the floodway.

4. Construction pursuant to subsection [8.7.204\(I\)](#) of this article (Alteration and Maintenance of Watercourses) is allowed in floodways with a floodplain development permit.

5. Encroachments.

a. A floodplain development permit shall be required for all encroachments, regardless of whether or not the encroachment is in aid of navigation.

b. All permits required by other agencies with jurisdiction shall have been issued before a floodplain development permit may be issued.

c. The Director shall issue a floodplain development permit for an encroachment if the applicable requirements of section [8.7.203](#) of this article have been met.

6. A structure that increases the level of the base flood may be constructed in the floodway only if the Director finds that the structure would serve a substantial public interest, and the applicant has applied for a conditional FIRM and floodway revision, has fulfilled applicable FEMA requirements for such revisions, and has received the approval of the Federal Insurance Administrator. (Ord. 545, 10-9-19)

### **8.7.203: GENERAL STANDARDS FOR FLOODPLAIN DEVELOPMENT:**

A. Building sites shall be reasonably safe from flooding.

B. All floodplain development, including new construction and substantial improvements to existing structures, shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

C. All floodplain development, including new construction and substantial improvements to existing structures, shall be constructed with building materials and utility equipment that are resistant to flood damage. Below base flood elevation, materials must meet FEMA requirements for flood resistant materials. Information on flood resistant materials is outlined in FEMA publication FIA-TB-2.

D. All floodplain development, including new construction and substantial improvements to existing structures, shall use methods and practices that minimize or eliminate flood damages.

E. New and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, above ground storage tanks and other service facilities shall not be located below the base flood elevation.

F. Design and implementation of utility systems required for floodplain development are subject to approval.

G. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. If any portion of a public water system is in a special flood hazard area, an Emergency Flood Response Plan must be developed and provided to DEQ, Kootenai County and PHD. This plan must be implemented in the event that flood waters threaten to contaminate the water system, and must include:

1. Written instructions to the operator addressing circumstances necessitating shutdown of the water system,
2. Instructions for disinfecting and testing the system prior to start-up, and
3. A protocol for notifying DEQ, PHD and all users when the water system is at risk of being contaminated.

H. New community or individual sanitary sewage disposal systems shall be located outside special flood hazard areas.

I. For new construction and substantially improved structures, a fully enclosed area which is below the lowest floor shall:

1. Be constructed entirely of flood resistant materials to at least the flood protection elevation; and
2. In Zones A and AE, flood openings shall be included which 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 must meet or exceed the following minimum design criteria:
  - a. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - b. The total net area of all flood openings must be at least one square inch (1 sq. in.) for each square foot of enclosed area subject to flooding;
  - c. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - d. The bottom of all required flood openings shall be no higher than one foot (1') above exterior adjacent grade;
  - e. 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
  - f. 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.

J. If there is no alternative to locating a replacement sanitary sewage disposal system within a special flood hazard area, the system shall be designed and located to minimize or eliminate both the infiltration of flood waters into the system, and discharge from the system into flood waters. The determination that there is no alternative will be made by the Director with input from PHD and/or DEQ.

K. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted except by variance approved pursuant to section 8.8.203 of this title. 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 to at least the flood protection elevation and certified in accordance with the provisions of subsection [8.7.204\(C\)](#) of this article.

L. All required Federal and State permits must be received before a County floodplain development permit, building permit, or site disturbance permit may be issued.

M. New floodplain development shall not increase flood heights except as permitted in this chapter.

N. 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.

O. 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. (Ord. 545, 10-9-19)

#### **8.7.204: SPECIFIC FLOODPLAIN DEVELOPMENT STANDARDS:**

##### **A. Residential Structures.**

1. New and replacement residential structures, accessory living units, and all improvements to residential structures, including manufactured homes and mobile homes, regardless of whether they meet the definition of a “substantial improvement,” shall have the top of the lowest floor, including the floor of an attached garage or basement, elevated no lower than the flood protection elevation except as provided in paragraph (D)(1) of this section.

2. Solid perimeter foundation walls are allowable only if the lowest horizontal structural member is four feet (4’) or less above interior grade (shown as “L” in Illustration [7-201](#)). Enclosed foundation areas below the lowest floor that are subject to flooding are prohibited, except crawl spaces less than four feet (4’) in height and meet or exceed the following criteria:

a. The interior grade of a crawl space below the BFE must not be more than two feet (2’) below the lowest adjacent exterior grade (LAG), shown as “D” in Illustration [7-201](#).

b. A minimum of two openings on different sides of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided. The bottom of all openings shall be no higher than one foot (1') above lowest adjacent exterior grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.

d. Fill may be used to elevate the grade next to foundation walls so long as the fill meets the requirements of subsection (H) of this section.

e. The velocity of floodwaters at the site should not exceed five feet per second (5 ft/sec) for any crawl space. For velocities in excess of five feet per second (5 ft/sec), other foundation types should be used.

f. Below-grade crawl space construction in accordance with the requirements listed in this subsection will not be considered a basement.

3. If the lowest horizontal structural member is more than four (4) feet above grade, the residential structure shall not be built on solid foundation walls, but shall be constructed on piers, posts, or piles. With the exception of structural piers, posts or piles, the space below the lowest floor must be free of obstruction. Single layer open wood lattice work or light mesh insect screening is permissible below the lowest floor. Exceptions to the pier, post, or pile construction are as follows:

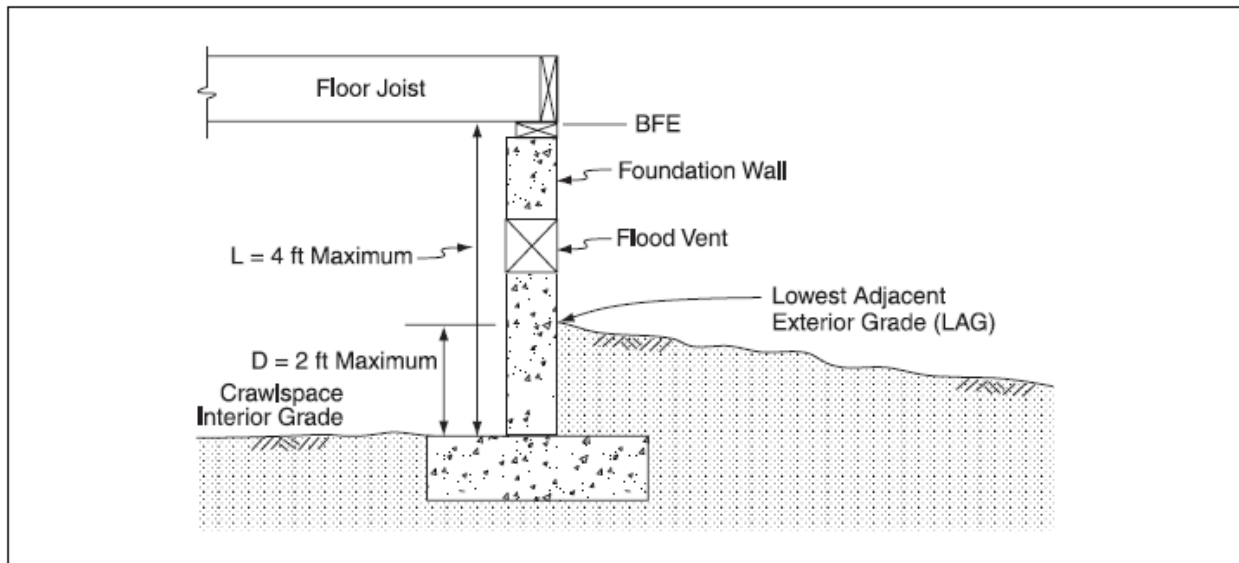
a. Solid foundations under masonry chimneys are permissible.

b. Solid perimeter foundation walls may be permitted for an enclosed access way to the structure. Such access ways must meet the same requirements for openings as crawl spaces.

c. Solid foundation walls that do not create an enclosed foundation area (one or two walls) are acceptable provided that the walls are engineered and constructed to withstand the hydrodynamic pressure of water velocity and debris and ice flow.

4. Where base flood elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building or location permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. In such locations, the top of the lowest floor of structures must be elevated at least four feet (4') above the highest adjacent grade.

## Illustration 7-201 Construction Diagram



### B. Residential Accessory Structures.

1. Separate structures which are accessory to a residential use (e.g. garage, barn) are not required to be elevated as outlined in subsection (A) of this section. For purposes of this article, accessory living units shall be considered to be residential structures, and shall comply with the applicable requirements of subsection [8.7.204\(A\)](#) of this article.
2. Residential accessory structures shall be designed to comply with the requirements of paragraph [8.7.203\(D\)\(2\)](#) of this article.
3. Crawl spaces and other enclosed foundation areas shall comply with the requirements of paragraph (A)(2) of this section.
4. As part of any addition to an existing residential accessory structure, the existing structure shall comply with the requirements for openings as outlined in paragraph (A)(2) of this section.

### C. Nonresidential Structures.

1. New and replacement non-residential structures, and all improvements to non-residential structures, regardless of whether they meet the definition of a “substantial improvement,” shall have the top of the lowest floor, including the floor of an attached garage or basement, elevated a minimum of three feet (3’) above the base flood elevation.
2. Solid perimeter foundation walls are allowable only if the lowest horizontal structural member is four feet (4’) or less above interior grade. Enclosed foundation areas below the lowest floor that are subject to flooding are prohibited except for crawl spaces less than four



feet (4') in height. Designs for meeting this requirement shall comply with the requirements of paragraph (A)(2) of this section.

3. If the lowest horizontal structural member is more than four feet (4') above grade, the structure shall not be built on solid foundation walls, but shall be constructed on piers, posts, or piles. With the exception of structural piers, posts or piles, the space below the lowest floor must be free of obstruction. Single layer open wood lattice work or light mesh insect screening is permissible below the lowest floor. Exceptions to the pier, post, or pile construction are as follows:

a. Solid foundations under masonry chimneys are permissible.

b. Solid perimeter foundation walls may be permitted for an enclosed access way to the structure. Such access ways must meet the same requirements for openings as crawl spaces.

c. Solid foundation walls that do not create an enclosed foundation area (one or two walls) are acceptable provided that the walls are engineered and constructed to withstand the hydrodynamic pressure of water velocity and debris and ice flow.

4. Where base flood elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. In such locations, the top of the lowest floor of structures must be elevated at least four feet (4') above the highest adjacent grade.

#### D. Additions and Improvements.

1. Structures originally constructed prior to March 1, 1982 (Pre-FIRM structures):

a. If additions and improvements to pre-FIRM structures, in combination with any interior modifications to the existing structure, do not constitute a substantial improvement, the additions and improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

b. If additions and improvements to pre-FIRM structures, in combination with any interior modifications to the existing structure, constitute a substantial improvement, both the existing structure and the additions and improvements must comply with the standards for new construction set forth in this article.

2. Structures originally constructed on or after March 1, 1982 (Post-FIRM structures):

a. Additions to post-FIRM structures that constitute a substantial improvement shall require only the addition to comply with the standards for new construction set forth in this article so long as there are no modifications to the existing structure other than a standard door in the common wall.

b. If additions and improvements to post-FIRM structures, in combination with any interior modifications to the existing structure, do not constitute a substantial improvement, only the additions and improvements will be required to comply with the standards for new construction set forth in this article; or

c. If additions and improvements to post-FIRM structures, in combination with any interior modifications to the existing structure, constitute a substantial improvement, both the existing structure and the additions and improvements shall be required to comply with the standards for new construction set forth in this article.

3. Any substantial improvement must comply with the standards for new construction set forth in this article. Improvements completed within the previous five (5) year period shall be counted cumulatively. If a structure has sustained substantial damage, any repairs shall be considered substantial improvements regardless of the actual repair work performed. The requirement does not, however, include either:

a. 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 ensure safe living conditions; or

b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

#### E. Manufactured Homes and Mobile Homes.

1. All manufactured homes and mobile homes to be placed or substantially improved within A zones on the FIRM shall be elevated on a permanent foundation in compliance with section [8.7.203](#) of this article and subsection (A) of this section.

2. Manufactured homes and mobile homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by a 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 subsection 44-2201(2), Idaho Code. Additionally, when the elevation of the chassis is thirty-six inches (36") or less above the elevation of the grade on site, the chassis shall be supported by reinforced piers or an engineered foundation. When the elevation of the chassis is above thirty-six inches (36") in height, an engineering certification shall be required.

3. All enclosures or skirting below the lowest floor shall meet the requirements of paragraph [8.7.203\(I\)\(2\)](#) of this article.

4. An evacuation plan shall be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within special flood hazard areas. This plan shall be filed with and approved by the Director and the Kootenai County Office of Emergency Management.

F. Recreational Vehicles. Recreational vehicles and park model recreational vehicles shall not be used as dwellings, shall meet the applicable requirements of article 3.4 of this title, and, in addition, when placed on sites within A Zones on the community's FIRM shall be:

1. On site for fewer than 120 consecutive days within one year; and
2. Fully licensed and ready for highway use, be on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no attached additions.

G. Land Division, Mobile Home Parks, and Planned Unit Developments.

1. All lots created after September 14, 1999 shall have a building site that is a minimum of 4000 square feet in size and accessible by a driveway which meets the minimum standards of Chapter 3, [Article 3.2](#) of this title, all located outside of any special flood hazard area.
2. If platted, the face of the plat shall indicate the location of any special flood hazard area within the boundaries of the plat and a note shall be placed on the plat restricting development to areas outside the designated special flood hazard area. Such areas shall be preserved as open space and left in their natural condition.
3. The following provisions shall also be met:
  - a. All projects shall be consistent with the need to minimize flood damage, and shall be reasonably safe from flooding.
  - b. All projects shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. If any portion of a public water system is in a special flood hazard area, an Emergency Flood Response Plan must be developed and provided to DEQ, Kootenai County and PHD. This plan must be implemented in the event that flood waters threaten to contaminate the water system, and must include:
    - i. written instructions to the operator addressing circumstances necessitating shutdown of the water system,
    - ii. instructions for disinfecting and testing the system prior to start-up, and
    - iii. a protocol for notifying DEQ, PHD and all users when the water system is at risk of being contaminated.
  - c. All projects shall have adequate drainage provided to reduce exposure to flood damage.
  - d. Where base flood elevation data is not available either through the Flood Insurance Study or from another authoritative source, it shall be generated by the developer's engineer for projects which contain at least five (5) lots or five (5) acres (whichever is less).

e. All projects shall include a maintenance plan that includes the cleaning and maintenance of culverts, ditches, and drainage swales to reduce the risk of flood damage. Maintenance activities must be carried out in accordance with all Federal, State, and local regulations and all required permits must be obtained.

f. For each project, if a public entity will not be responsible for maintenance, a maintenance entity, such as a homeowners' association or utility corporation, shall be established. If maintenance requirements are not met, the County may contract to have the maintenance done at the expense of the responsible party. The County may also take enforcement measures as provided by law.

#### H. Placement of Fill in Special Flood Hazard Areas.

1. Fill must be placed and compacted in accordance with the requirements of the International Building Code and of [Article 7.1](#) of this chapter. Such fill must be compacted for at least fifteen feet (15') beyond the limits of any structure placed on it; and

2. After placement and compaction, fill must be protected from erosion and scour by rip rap or sod forming grass or equivalent vegetation.

3. Compensatory Storage Required for Fill.

a. Fill within the special flood hazard area shall result in no net loss of natural floodplain storage. The volume of the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site.

#### I. Alteration and Maintenance of Watercourses.

1. Stream and channel maintenance in special flood hazard areas may be necessary, for example, when rock and other debris restrict the flow of floodwaters. The cleaning of this debris and the creation of sediment pools will be carried out in accordance with all applicable Federal, State, and local regulations and all necessary permits shall be obtained with copies provided to Kootenai County.

2. The following are required before an alteration of any watercourse:

a. Notify adjacent property owners within one-half (½) mile upstream and downstream from the project boundaries, any affected cities, and the Idaho Department of Water Resources prior to any alteration, maintenance, or relocation of a watercourse, and submit evidence of such notification, along with any required permits, to the Federal Insurance Director and Kootenai County.

b. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

3. The provisions of this subsection do not apply to the routine removal of debris or navigational hazards.

## J. Storage Tanks.

1. When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

a. Underground storage tanks in special 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 storage 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. Non-elevated above-ground storage tanks that do not meet the elevation requirements of this subsection 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. Storage 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 storage 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.

K. Development of Public Interest Projects. Floodplain development may occur within a special flood hazard area outside of a floodway without having to comply with the normally applicable requirements of this section if the Director finds that such floodplain development would serve a substantial public interest.

L. Other Activities. Floodplain development not specifically permitted in this article shall be prohibited unless the following criteria are met:

1. The activity shall not result in any decrease in flood storage capacity during discharge of the base flood; and

2. The activity shall not impair the natural and beneficial functions of the floodplain. (Ord. 545, 10-9-19)

**8.7.205: ADMINISTRATION:** The Director shall act as the Floodplain Administrator for purposes of administration and enforcement of the provisions of this article. Duties of the Director shall include, without limitation, the following:

A. Granting or denying floodplain development permits in accordance with section [8.7.206](#) of this article.

B. Review of Building and Site Disturbance Permits. The Director shall review all building, location and site disturbance permits associated with floodplain development to determine whether:

1. The applicable requirements of this article have been satisfied;
2. All necessary permits have been obtained from the federal, state, and local governmental agencies from which prior approval is required; and
3. The proposed floodplain development is located in a floodway. If located in a floodway, the Director shall ensure that the proposed floodplain development is allowed under, and complies with, the provisions of section [8.7.202](#) of this article.

C. Information to be Obtained and Maintained. For all floodplain development, the Director shall:

1. Prevent encroachments into floodways and special flood hazard areas unless the applicable certification and flood hazard reduction provisions of this article have been met;
2. Require fully completed construction drawings, building under construction, and finished construction elevation certificates, whenever applicable;
3. 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 whenever required under the provisions of this article.
4. Maintain fully completed finished construction elevation certificates; and
5. Maintain all records pertaining to the provisions of this article for public inspection.

D. Interpretation and Use of Other Data. The Director shall make interpretations, where needed, as to exact location of the boundaries of special flood hazard areas and floodways (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), and shall consider any information provided by FEMA or other authoritative sources. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal any such interpretations in accordance with chapter 8, [article 8.5](#) of this title. (Ord. 545, 10-9-19)

**8.7.206: FLOODPLAIN DEVELOPMENT PERMITS:**

A. An application for a floodplain development permit shall be made to the Director before any floodplain development may begin.

B. Application Requirements. In addition to the items required by the provisions of section 8.8.204 of this title, the following items shall be submitted to the Director in conjunction with an application for a floodplain development permit:

1. A site plan drawn to scale which shall include, without limitation, the following specific details:
  - a. The nature, location, dimensions, and elevations of the area of floodplain development or disturbance, including, without limitation, existing and proposed structures, utility systems, grading and pavement areas, fill materials, storage areas, drainage facilities, and any other proposed floodplain development;
  - b. The boundary of the special flood hazard area as delineated on the FIRM or as set forth in paragraph [8.7.201\(B\)\(1\)](#) of this article, or a statement that the entire lot is within the special flood hazard area;
  - c. The flood zone designation(s) of the proposed floodplain development area as determined pursuant to this article;
  - d. The boundary of any floodways or flood fringe areas;
  - e. The Base Flood Elevation (BFE) where provided as set forth in this article;
  - f. The old and new location of any watercourse that will be altered or relocated as a result of the proposed floodplain development; and
  - g. The certification of the plot plan by a registered land surveyor or professional engineer.
2. Proposed elevation, and method thereof, of all floodplain development, including, without limitation, elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
3. Foundations within a special flood hazard area shall be designed by a qualified professional engineer licensed by the State of Idaho in accordance with standard engineering practice. A foundation plan, drawn to scale, shall be submitted which includes details of the proposed foundation system that ensure that all applicable provisions of this article are met. These details include, without limitation:
  - a. The proposed method of elevation, if applicable (e.g., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns, posts, piers, piles or shear walls); and
  - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with paragraph [8.7.203\(D\)\(2\)](#) of this article when solid foundation perimeter walls are used in Zones A and AE.
4. A statement detailing the proposed uses of any enclosed areas below the lowest floor.

5. Plans detailing the methods to be used to protect public utilities and facilities, such as sewer, gas, electrical, and water systems, to be located and constructed to minimize flood damage.
6. A certification that all other local, state, and federal permits required have been received.
7. Documentation for placement of recreational vehicles, when applicable, to ensure that the provisions of subsection [8.7.204\(F\)](#) of this article are met.
8. When applicable, a description of any proposed watercourse alteration or relocation, including, without limitation, the following:
  - a. 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
  - b. A map showing the location of the proposed watercourse alteration or relocation, if not shown on the site plan.

#### C. Certification Requirements.

##### 1. Elevation Certificates (FEMA Form 86-0-33).

- a. Construction drawings. A construction drawings elevation certificate is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Director a certification of the elevation of the lowest floor in relation to mean sea level. The Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder before the start of construction.
- b. Building under construction. An elevation certificate for a building under construction 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 Director 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 Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately, and all necessary corrections must be completed before any further work is permitted to proceed.
- c. Finished construction elevation certificates.
  - i. A final as-built finished construction elevation certificate is required after construction is completed and before a certificate of occupancy or equivalent may be issued. It shall be the duty of the permit holder to submit to the Director a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately, and all necessary corrections must be completed before a certificate of occupancy or equivalent may be



issued. In some instances, another certification may be required to certify corrected as-built construction.

ii. The engineer providing the finished construction elevation certificate shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days after the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in subsection (B) of this section. To the extent possible, these photographs should show the entire building including the foundation. If the building has split-level or multi-level areas, at least two (2) additional photographs showing side views of the building shall also be provided. In addition, when applicable, an additional photograph of the foundation showing a representative example of the flood openings or vents shall be provided.

d. Failure to submit any required certification or to make required corrections shall constitute good cause to issue a stop-work order for the project, to deny, revoke or suspend a floodplain development permit, or to deny, revoke or suspend any associated building, location, or site disturbance permit.

2. If a manufactured home is placed within Zone A or AE 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 subsection [8.7.204\(E\)](#) of this article.

3. If a watercourse is to be altered or relocated, the following shall be submitted by the applicant before a floodplain development permit is issued:

a. A description of the extent of watercourse alteration or relocation;

b. 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;

c. A map showing the location of the proposed watercourse alteration or relocation; and

d. An approved Idaho stream channel alteration permit.

4. Certification Exemptions. If located within Zone A or AE, the following structures shall be exempt from the elevation certification requirements specified in paragraph (1) of this subsection:

a. Recreational vehicles which comply with the requirements of subsection [8.7.204\(F\)](#) of this article; and

b. Residential accessory structures of less than 200 square feet in size which comply with the requirements of subsection [8.7.204\(B\)](#) of this article.

D. Encroachments. Encroachments shall be exempt from the requirements of subsections (B) and (C) of this section. In lieu of those requirements, the applicant shall submit the encroachment

permit issued by IDL for the encroachment, all other permits issued by other agencies with jurisdiction, and the entire contents of each case file pertaining to such permits.

E. Approval Procedure. Applications for floodplain development permits shall be processed in accordance with this section and section [8.8.204](#) of this title, except that the issuance of an order of decision shall not be required.

F. Decisions made by the Director may be appealed to the Board in accordance with article 8.5 of this chapter. (Ord. 545, 10-9-19)

**8.7.207: DISCLAIMER OF LIABILITY:** The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside special flood hazard areas, or uses permitted within such areas, will be free from flooding or flood damage. This article shall not create liability on the part of Kootenai County, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. (Renumbered per Ord. 545, 10-9-19)

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