



**AN AMENDMENT TO TITLE 12: Teton County, Idaho Flood
Damage Prevention Ordinance**

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Prepared November 30 for the Planning & Zoning Commission
Public Hearing of December 13, 2011

- APPLICANT:** Teton County Planning Department
- APPLICABLE CODE:** Title 12: Teton County, Idaho Flood Damage Prevention Ordinance
- REQUESTS:** Amend the current Title 12 so that it meets the requirements of the National Flood Insurance Program (NFIP)
- APPLICABILITY:** County wide, all Special Flood Hazard Areas (SFHA)

BACKGROUND: This staff report is an **update** to previous Flood Damage Prevention Ordinance staff report and represents the differences between this version of Title 12 and the version presented at last month's hearing.

GENERAL PROVISIONS:

CMZ: This version of the Flood Damage Prevention Ordinance eliminates the requirement for subdivision developers to delineate a Channel Migration Zone (CMZ). After discussions, it was determined that delineating a CMZ would best be done on a County-wide scale using similar methodologies and expertise throughout the County. This would best be done at a future time using grant money established methods for our area. Instead of a delineated CMZ, a setback will be used at a minimum distance or twice the distance of the bankfull stream width.

Restoration Project Requirements: There is language in this version that allows for some relaxed requirements for projects that do not involve structures that are in areas without established BFEs or Floodways. These relaxed requirements will be determined by the floodplain administrator who may still require studies and data, but these data would not necessarily need to be approved by FEMA.

LOMR Adoption: It has been determined that a local government cannot adopt documents by reference, as this takes away the public process and the opportunity for public hearing. This affects this ordinance in that Teton County cannot adopt all future updates to the FIRMs (i.e. LOMRs) in this document. So while Teton County will be required to regulate to any updates to the FIRMs, we will need to adopt those as they come via a resolution from the BOCC.

New Construction: The definition of new construction includes all buildings built after 1988-the year of the Flood Insurance Study for Teton County. I find this date an unacceptable definition of new construction and would like new construction to be new (i.e. not on the ground

at the present time) construction. At the very earliest, new construction should be all construction after Teton County entered the NFIP.

Habitat Protection: It was determined that code protecting riparian habitat should be included in a different section of code, not the Flood Damage Prevention Ordinance. Other code sections will need to be amended to protect riparian habitat. While the wildlife habitat overlay includes most of the areas that would be included in a riparian habitat zone, there are not regulations that limit or augment development in these identified areas. To protect these areas, there will need to be more regulations than merely identifying the areas.

PLANNING & ZONING COMMISSION ACTIONS:

- A. APPROVE the text amendment to Title 12 as presented in the application, having provided the reasons and justifications for the approval.
- B. Approve the text amendment with modifications, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. DENY the text amendment request and provide the reasons and justifications for the denial.
- D. CONTINUE to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

Staff suggests the following motion:

Having found that Title 12: Flood Damage Prevention Ordinance is consistent with the purposes and goals of the Comprehensive Plan, I recommend approval to the Board of County Commissioners of the proposed Title 12, as presented by Planning Staff in the attachment Title 12: Teton County, Idaho Flood Damage Prevention Ordinance [with the following changes].