

ORDINANCE NUMBER 519

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO ESTABLISHING A FLOOD HAZARD OVERLAY DISTRICT (FH); ESTABLISHING THE LOCATION THEREOF; PROVIDING DEFINITIONS TO BE USED IN CONJUNCTION WITH SUCH DISTRICT; PROVIDING RULES AND REGULATIONS FOR CERTAIN USES WITHIN THE DISTRICT; ESTABLISHING A FLOOD HAZARD DEVELOPMENT PERMIT AND ESTABLISHING PROCEDURES IN REGARD THERETO; ESTABLISHING A STREAM ALTERATION PERMIT AND RULES AND REGULATION FOR THE ISSUANCE THEREOF; ESTABLISHING PERMITTED AND PROHIBITED USES WITHIN THE FLOOD HAZARD OVERLAY DISTRICT; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO AS FOLLOWS:

SECTION ONE: This Ordinance shall be known as the "Hailey City Flood Hazard District Ordinance". It is intended that, upon completion and adoption of the Comprehensive Zoning Ordinance of the City of Hailey, Idaho, this Ordinance shall be incorporated therein as Article VII thereof. However, this Ordinance shall be in full force and effect from and after the effective date hereof and shall be numbered as provided herein notwithstanding the adoption or lack of adoption of the Comprehensive Zoning Ordinance.

SECTION TWO: The Flood Hazard Overlay District Ordinance is hereby created and numbered in the following manner:

ARTICLE VII.

FLOOD HAZARD OVERLAY DISTRICT (FH)

SECTION 7.1. DEFINITIONS.

7.1.1. Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water, and which, in the absence of evidence to the contrary, shall be presumed to consist of the area between the boundaries of vegetation on either side of the water course.

7.1.2. Development. Any man-made change to improve or unimproved real estate, including, but not limited to, buildings

or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

7.1.3. Flood. General and temporary condition of partial or complete inundation of normally dry lands from : 1) the overflow of inland or title waters and/or 2) the usual and rapid accumulation of runoff of surface waters from any source.

7.1.3.1. One Hundred (100) Year Flood. Flood having an indicated average frequency of occurrence of once in one hundred (100) years, although the flood may occur in any year.

7.1.3.2. One Hundred (100) Year Elevation. The maximum high water elevation of the One Hundred (100) Year Flood at any given point in the flood plain.

7.1.4. Floodplain. A relatively flat area or low land adjoining a body of water which has been or may be inundated by water from the One Hundred (100) Year Flood.

7.1.5. Floodway. That portion of the floodplain that includes the channel and the portion of the adjacent area which conveys the major portion of the flow for the One Hundred (100) Year Flood.

7.1.6. Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable sole 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 this Ordinance.

7.1.7. Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For the purpose of this Ordinance the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on sight for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

7.1.8. Stream Alteration. To obstruct, diminish, destroy, alter, modify, relocate, or change the natural existing shape of the channel or to change the direction of flow of water of any stream channel within or below the mean high water mark. It includes removal of materials or structures in the stream channel.

7.1.9. Structure. A walled and route building including a gas or liquid storage tank that is principally above ground.

The floodplain and floodway are further defined and delineated in the Flood Insurance Study, City of Hailey, Idaho, prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration, October, 1977.

SECTION 7.2. FINDING OF FACTS.

The Council finds the following facts:

7.2.1. The flood hazard areas of the City of Hailey are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

7.2.2. These flood losses are caused by: (1) the cumulative effect of obstructions which affect flood heights and velocities, and (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated or otherwise unprotected from flood damage.

7.2.3. The following are hereby adopted by reference as the primary sources for flood hazard analysis as identified by the Federal Insurance Administration.

7.2.3.1. United States Army Corps of Engineers Flood Plain Information Study prepared for Big Wood River, Bellevue-Hailey, Idaho and Vicinity, June 1971.

7.2.3.2. Flood Insurance Study, City of Hailey, Idaho, prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration, October, 1977.

7.2.3.3. Flood Insurance Rate Map/Flood Hazard Boundary and Floodway Map, April, 1978.

SECTION 7.3. PURPOSE.

The purpose of the Flood Hazard Ordinance is to guide development in the designated floodplain in order to promote the public health and general welfare, minimize public and private losses, and prevent environmental damage due to flood conditions. The provisions of this Ordinance are intended to protect human life and health, minimize the expense and inconvenience to property owners and the general public associated with increased water flow and velocity, insure that the potential buyers are notified that property is subject to flood conditions, insure that those who occupy the areas of flood hazard assume

responsibility for their actions, preserve the inherent natural characteristics of water courses and natural protective barriers which help channel flood water, preserve, protect, and enhance the fish, wildlife, and riparian plant habitats, and provide a formal procedure for stream alteration permit applications.

SECTION 7.4. ESTABLISHMENT OF THE FLOOD HAZARD OVERLAY DISTRICT.

7.4.1. The Flood Hazard District is hereby established. The regulations of this district apply to all lands within the jurisdictions of the City of Hailey that lie within floodplain boundaries as determined by the FEMA Flood Insurance Study or other studies adopted by the City of Hailey.

7.4.2. The official flood hazard boundaries are represented on the Official Flood Hazard Map for the City of Hailey. The precise boundaries shall be determined by on-site elevations as interpreted from the adopted FEMA Flood Insurance Study. All land within the external boundary of the floodplain shall be considered to be within the floodplain and governed by the provisions of this district. The Flood Hazard Ordinance Administrator shall make the necessary interpretation of the boundary where the exact location is disputed.

SECTION 7.5. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Hailey or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

SECTION 7.6. USE REGULATIONS.

7.6.1. Establishment of Sub-districts. The floodplain areas within the jurisdiction of this Ordinance are divided into two (2) sub-districts, the floodway sub-district and floodplain sub-district. The boundaries of these sub-districts are indicated in the FEMA Flood Insurance Study.

7.6.2. Floodway Use Regulations. Located within the Flood Hazard District are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

7.6.2.1. Permitted Uses. Agricultural uses and open space recreation uses are permitted, provided that no structural use may be made that may inhibit or later flood flow or create potential hazard downstream.

7.6.2.2. Conditional Uses. No other development shall be permitted in the floodway except during a period of flood emergency. At that time, the City Council may approve specific work to be done as deemed necessary for the protection of life and property, provided that certification by a registered professional engineer is provided that demonstrates that development or encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

If Section 7.6.2.2. is satisfied, all new development or encroachments shall comply with all applicable flood hazard provisions of Section 7.8 PROVISIONS FOR FLOOD HAZARD PRODUCTION.

7.6.2.3 Prohibited Uses. Notwithstanding any other provision of this Ordinance, no manufactured homes shall be allowed in the floodway.

7.6.3 Flood Plain Sub-district Use Regulations. Because of hazard to individual and public health, safety, and welfare, uses in the flood plain are restricted or designated for individual consideration under the Flood Hazard Development Permit process.

7.6.3.1 Permitted Uses. Agricultural, recreation, and residential accessory uses are permitted provided they are not subject to substantial flood damage and will not cause flood losses on other land or to the public, or provided that they can be readily removed from the flood hazard areas prior to the time of flooding.

7.6.3.2 Conditional Uses.

a. Sand and gravel extraction.

b. Single family dwellings, provided that the conditions imposed in Section 7.7.5 of this Ordinance are complied with, and the proposal meets the criteria of Section 7.8.

7.6.3.3. Prohibited Uses.

a. Subdivision lots platted as part of a residential development within the floodplain that are not buildable sights, i.e. do not have a natural, non-artificial area sufficient to locate a residential structure which is at least one (1) foot above the elevation of the One Hundred (100) year flood.

b. Any use not mentioned herein that is susceptible to flood damage from the One Hundred (100) Year Flood or that could potentially cause flood damage from such a flood to other property.

c. Notwithstanding any other provision of this Ordinance no manufactured homes shall be allowed in the floodplain.

SECTION 7.7. FLOOD HAZARD DEVELOPMENT PERMIT PROCEDURE.

A Flood Hazard Development permit shall be obtained before construction or development begins within or upon any area located within the floodplain.

7.7.1. Application.

7.7.1.1. Application for a Flood Hazard Development Permit shall be made on a form furnished by the Flood Hazard Ordinance Administrator.

7.7.1.2. Such application shall contain, at a minimum, the following:

a. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

b. Mean Sea Level (MSL) elevation of the lowest floor (including basement) of all structure.

c. MSL elevation to which any structure is floodproofed.

d. Certification by a registered professional engineer that the floodproofing methods meet the flood hazard reduction provisions of Section 7.8: PROVISIONS FOR FLOOD HAZARD REDUCTION.

e. A description of the extent to which any water-course would be altered or relocated.

f. Base (100) flood elevation data for a development or subdivision greater than fifty (50) lots or five (5) acres.

7.7.2. Designation of the Local Administrator.

The Flood Hazard Ordinance Administrator, as appointed by the City Council, shall administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions. The Flood Hazard Ordinance Administrator shall transmit one (1) copy of the information described in Section 7.7.1.2, above, to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project.

7.7.3. Duties and Responsibilities of the Flood Hazard Ordinance Administrator.

7.7.3.1. Permit Review.

a. Review all development permits to determine that the permit requirements of this Ordinance have been satisfied.

b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 7.6.2.2. are met.

7.7.3.2. Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 7.2.3. the Flood Hazard Ordinance Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 7.8.2., SPECIFIC STANDARDS, and 7.6.2., FLOODWAY REGULATIONS.

7.7.3.3. Information to be Obtained and Maintained.

a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 7.7.3.2., obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b. For all new or substantially improved floodproofed structures; verify and record the actual elevation (in relation to mean sea level), and maintain the floodproofing certifications required in Section 7.7.1.

c. Maintain for public inspection all records pertaining to the provision of this Ordinance.

7.7.3.4. Alteration of Watercourses.

a. Notify adjacent communities and the Idaho Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

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

7.7.4. Criteria for Evaluation.

The Commission shall consider factors specified in the other Sections of this Ordinance as well as the following:

7.7.4.1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

7.7.4.2. The danger that materials may be swept on to other lands or downstream to the injury of others.

7.7.4.3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

7.7.4.4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

7.7.4.5. The importance of the services provided by the proposed facility to the community.

7.7.4.6. The requirements of the facility for a waterfront location.

7.7.4.7. The availability of alternative locations not subject to flooding for the proposed use.

7.7.4.8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

7.7.4.9. The relationship of the proposed use to the Comprehensive Plan.

7.7.4.10. The availability of safe access to the property in times of flood to ordinary and emergency vehicles.

7.7.4.11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

7.7.4.12. The preservation of the inherent natural characteristics of the water courses and floodplain areas.

7.7.4.13. The preservation of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required twenty five (25) feet scenic easement.

7.7.4.14. New or replacement of landscaping to include plantings that are low-growing and have dense root systems that will stabilize stream banks and will repair any damage previously done to riparian vegetation.

7.7.4.15. Effect of and susceptibility to obstruction by landslides, avalanches, ice jams, or timber.

7.7.5. Conditions.

Upon consideration of the factors listed above and the purposes of this Ordinance, the Flood Hazard Ordinance Administrator may attach such conditions to the permit as it deems necessary to further the purposes of this Ordinance, including, but not limited to:

7.7.5.1. Modification of water disposal and water supply facilities to minimize or eliminate infiltration of flood waters.

7.7.5.2. Limitations of periods of use and operation.

7.7.5.3. Imposition of operational controls, sureties, and deed restrictions.

7.7.5.4. Requirements or prohibition of construction of channel modifications dikes, levees, and other protective measures.

7.7.5.5. Flood-proofing measures such as the following shall be designated consistent with the One Hundred (100) Year Flood Elevation for the particular site, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the One Hundred (100) Year Flood. The Commission shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the One Hundred (100) Year Flood Elevation and associated flood factors for the particular site.

a. Installation of watertight doors, bulkheads, shutters, similar structures.

b. Reinforcement of walls to resist water pressures.

c. Use of paints, membrane, or mortars to reduce seepage of water through walls.

d. Addition of mass or weight to structures to resist flotation.

e. Installation of pumps to lower water levels in structures.

f. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.

g. Installation of pumping facilities or comparable sub-surface drainage systems for buildings to relieve external foundation wall flood pressures.

h. Construction to resist rupture or collapse caused by water pressure or floating debris.

i. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the building or structures.

j. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the flood waters.

k. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the One Hundred (100) Year Flood Elevation or are adequately flood-proofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.

l. Location of building pads or envelopes.

m. Requirement that for any structure constructed on fill, the elevation of the fill shall be at least one (1) foot above the One Hundred (100) Year Flood Elevation and shall extend at such elevation at least twenty five (25) feet beyond the limits of any structure erected thereon.

n. Installation and maintenance of new landscaping and preservation of existing riparian vegetation.

SECTION 7.8. PROVISIONS FOR FLOOD HAZARD REDUCTION.

7.8.1. General Standards.

In all areas of flood hazard, the following standards are required:

7.8.1.1. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

7.8.1.2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

7.8.1.3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

b. New and replacement water sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7.8.1.4. Subdivision Proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments.

7.8.1.5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 7.7.3.2.), 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 flood, etc., where available. Failure to elevate at least one (1) foot above grade in these zones may result in higher insurance rates.

7.8.2. Specific Standards.

In all areas of flood hazard where base flood elevation data has been provided as set forth in Section 7.2.3. and 7.7.3.2., the following provisions are required for all residential construction.

7.8.2.1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

7.8.2.2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. Scenic easement. All structures, decks, and fences located adjacent to the Big Wood River shall be set back a minimum of twenty five (25) feet from the mean high water mark.

SECTION 7.9. NON-CONFORMING USES IN THE FLOOD HAZARD DISTRICT.

A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Article may be continued subject to the following conditions:

7.9.1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.

7.9.2. If any non-conforming use or structure is destroyed by floods, to an extent of fifty percent (50%) or more of its assessed value, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The Flood Hazard Ordinance Administrator may permit reconstruction if the structure is located outside the floodway and is adequately and safely flood-proofed, elevated, or otherwise protected in conformity with Section 7.7.5. of this Ordinance.

7.9.3. Uses which are or become nuisances shall not be entitled to continue as non-conforming uses.

7.9.4. Any alteration, addition, or repair to any non-conforming structure which would result in substantially increasing its flood damage potential shall be protected by measures pursuant to Section 7.7. of this Article.

SECTION 8.0. STREAM ALTERATION PERMIT.

No person may excavate in, disturb, fill, build in, upon or across, deposit in, or change the channel of any non-intermittent stream within the Flood Hazard District without a Stream Alteration Permit issued by the City Council.

8.0.1. Application.

8.0.1.1. Applications shall be made for such permit upon a form furnished by the Flood Hazard Ordinance Administrator. Emergency waiver of the written application may be granted only after approval by at least three (3) City Council members.

8.0.1.2. Information to be provided by the applicant for any Stream Alteration Permit issued hereunder shall include, but not necessarily be limited to, the following:

- a. Applicant's name, address and phone number.
- b. Name of engineer, if any, who prepared the application.
- c. Property location and legal description.
- d. Name and reach of stream and area of proposed work, including a river milepost description.
- e. Length of the stream section to be worked on.
- f. Type of work to be done.
- g. Type of equipment to be used.
- h. Starting and completion dates of work.
- i. Vicinity map of the area.
- j. Names and addresses of property owners on both sides of the stream three hundred (300) feet upstream and one thousand (1000) feet downstream from the proposed work site.
- k. Plans and information at an appropriate scale, accurately and legibly showing:
 1. Location and dimension of lot or property.

2. Location of existing or proposed structures and location of previous stream alterations.

3. Typical cross-section of the proposed work.

4. Location of the lot in relation to the stream channel, floodway, and flood plain.

5. A valley cross-section of the area to be altered, if requested by the City Engineer, showing the stream channel, floodway limit lines, elevations of land area adjacent to the stream, and the One Hundred (100) Year Flood Elevation. The City Engineer, in consultation with Federal Emergency Management Agency officials, shall review and approve/disapprove the cross-section.

6. Location of any drainage ways or overflow channels through the property affected.

7. A statement addressing potential beneficial and adverse impacts in the immediate project area (upstream, downstream, and across the stream).

8.0.2 Public Hearing. Each application shall be reviewed at public hearings before the Planning and Zoning Commission and the City Council for which adequate public notice will be given.

8.0.2.1 Notice shall be given by United States Mail insofar as practicable to each property owner whose name appears on the list accompanying the application, giving the date, time, and place of the hearing, the action sought, and the identification of the property under consideration.

8.0.2.2 In any public hearing on a Stream Alteration Permit application, the presiding officer may order the hearing to be continued up to eighteen (18) days, in which case further notice shall be required.

8.0.3 Commission Evaluation.

8.0.3.1. A completed application will be heard by the Commission at a public hearing within a maximum of thirty (30) days following its receipt.

8.0.3.2. The Commission shall review the particular facts and circumstances of each proposed stream alteration and make its recommendations to the Council.

8.0.4. Council Evaluation.

8.0.4.1. No Stream Alteration Permit shall be issued unless the Council finds adequate evidence that the following mandatory requirements have been met:

a. The Applicant has been granted all necessary permits from the Army Corps of Engineers and from the Idaho Department of Water Resources.

b. The stream alteration desired will not involve placing an encroachment, structure, fill, deposit, obstruction, storage of materials, or storage of equipment in the floodway unless certification by a registered engineer is provided demonstrating that such alteration will not result in any increase in flood levels during the occurrence of the One Hundred (100) Year Flood.

c. The stream alteration desired will not increase the extent of the One Hundred (100) Year Floodplain.

d. No property of another person will be adversely affected by the proposed stream alteration whether such property is adjacent to, upstream, or downstream from the proposed stream alteration.

8.0.5. Conditions Favoring Permit Approval.

8.0.5.1. The viability or operation of an irrigation structure is threatened.

8.0.5.2. A road or bridge providing access to homes or business is threatened.

8.0.5.3. An existing community, home, or building envelope in a platted subdivision is threatened.

8.0.5.4. Public service facilities or any use affecting the chemical quality of the river is threatened.

8.0.5.5. Existing stream alterations placed in the floodway with City approval prior to the enactment of this Ordinance require repair.

8.0.6. Conditions. The Council may attach conditions to any Stream Alteration Permit, including, but not limited to, the following:

8.0.6.1. Requiring work to be done at times of lowest water.

8.0.6.2. Requiring work to be done by appropriate construction equipment.

8.0.6.3. Requiring the project to be built to Idaho Department of Water Resources, Army Corps of Engineers, or City of Hailey specifications and standards.

8.0.6.4. Requiring that a registered engineer certify, in writing, that the work has been completed according to the City requirements and stipulations.

8.0.6.5. Requiring any modification in the extent or design of the proposed work in order to meet the mandatory conditions imposed by this Article.

8.0.6.6. Requiring work to be planned and approved in conjunction with other landowners along the particular reach of the stream in question.

8.0.6.7. Requiring preservation of existing vegetation, revegetation, or placement of fish or wildlife enhancement features.

8.0.6.8. Requiring bonding of the work or conditions of approval.

8.0.6.9. Requiring review or approval of the application by other agencies or governmental units.

8.0.6.10. Requiring the work to be done at a certain height or location.

8.0.6.11. Limiting reclamation of eroded stream banks in the floodway.

8.0.6.12. Requiring overflow channels to remain open.

8.0.6.13. Restricting the future location of building envelopes.

8.0.6.14. Requiring modifications of the project so as not to raise the level of the One Hundred (100) Year Flood and not to encroach upon the floodway.

8.0.7. Violation.

Any person, entity, or organization which performs or causes or permits to be performed any work or activity in violation of Section 7.9. of this Article or who performs any work in excess of the authority granted by the issuance of a Stream Alteration Permit hereunder or who violates any condition or stipulation placed upon the issuance of a Stream Alteration Permit shall be guilty of a misdemeanor and upon conviction thereof may be sentenced to serve six (6) months in jail or pay a fine of Three Hundred and 00/100 Dollars (\$300.00) or both.

Each day or portion thereof during which any work performed in violation of this Article continues in existence shall constitute a separate and distinct violation of these provisions. All enforcement provisions of Article XV - Enforcement - of this Ordinance shall be applicable to any violation of this Article.

8.0.8 Effective Date.

This Ordinance shall be effective upon its passage and publication according to law.

PASSED BY THE CITY COUNCIL and approved by the Mayor of the City of Hailey, Idaho this 8th. day of February, 1988.

Paschal Drake
PASCHAL DRAKE, Mayor

ATTEST:

Constance M. Ellway
CONSTANCE ELLWAY, City Clerk