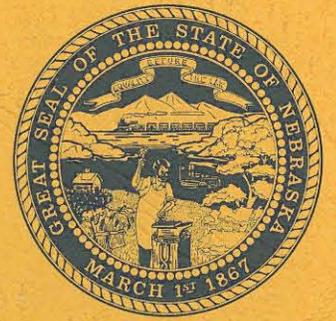


STATE WATER PLAN
PUBLICATION NUMBER 401

NEBRASKA SOIL AND WATER
CONSERVATION COMMISSION



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Flood Prevention and Damage Reduction

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FOREWORD

This special recommendation was originally approved as a part of the State Water Plan by the Nebraska Soil and Water Conservation Commission on December 13, 1966. The recommendation was transmitted to the Legislature on January 3, 1967. Shortly thereafter, L.B. 893 titled "Nebraska's Flood Plain Management Act," which incorporated the provisions of the recommendation, was enacted by unanimous vote by the Members of the Nebraska Legislature.

The Commission has proceeded since passage of that bill to develop a nineteen-year program for delineating the floodways of the state and carrying out the responsibilities assigned by the Legislature. Specific Rules and Regulations for administration of the program have been adopted by the Commission.

This edition differs greatly in appearance from the recommendation submitted to the Legislature, but with the exception of minor changes the content is identical.

Staff supervision on this special recommendation:
Warren D. Fairchild, Executive Secretary
H. James Owen, Chief, Planning Division



PROGRAMS:

SOIL & WATER CONSERVATION
WATERSHED PROTECTION
FLOOD CONTROL
RIVER BASIN INVESTIGATIONS
FLOOD PLAIN STUDIES

State of Nebraska
Soil and Water Conservation Commission

P. O. BOX 94725
STATE CAPITOL
LINCOLN, NEBRASKA 68509

January 3, 1967

Thousands of acres of Nebraska's fertile lands are ravished yearly by water. It is all too common to read the accounts of death, suffering and economic loss caused by floods. However, until the day that man can control nature, he must expect the river to occasionally assert its right to the valley bottoms. The reduction of these flood losses must be a primary objective of Nebraska's State Water Plan.

Many tools are known to the technicians which can aid in the prevention and control of floods as well as the reduction of flood damages. The State has the power to determine which tools shall be provided for this purpose. The State and its political subdivisions cannot fail to vigorously prosecute the flood control objective if they are to become full partners in the development and control of our resources.

The following material is provided for the use of the Governor and the Legislature. Specific recommendations are included which would help achieve the objective. Some of the measures may be controversial and exacting, however, the innate purpose of a state-wide plan is to boldly point out the path of progress for the public good without regard to special interests or inadequate but popular suggestions. It is with conviction in this purpose that I urge the study and full adoption of the recommendations contained in this report.

Sincerely yours,



ROBERT M. BELL, Chairman
Nebraska Soil & Water
Conservation Commission

JO:sh

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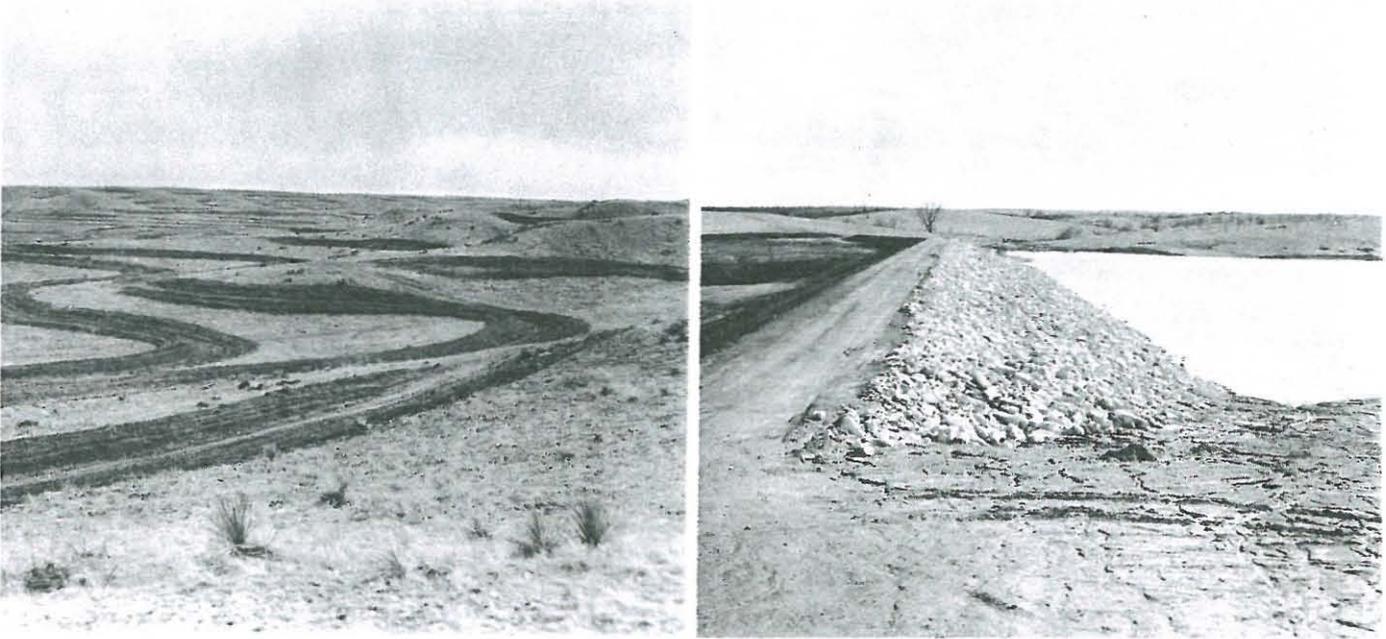
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STATE WATER PLAN

Nebr. Rev. Stat. § 2-1507 (8) (Supp. 1965) directs the Nebraska Soil and Water Conservation Commission to “plan, develop, and encourage the implementing of a comprehensive program of resource development, conservation, and utilization for the soil and water resources of this State in cooperation with other local, state and federal agencies and organizations.”

The plan as it develops will consist in part of studies of each of the different aspects of water resources development. The purpose is to present to the Legislature and the Governor recommendations for action to achieve particular goals. These recommendations will include action to meet goals by changes in organization of government, funding and policies. Alternatives to physical development may sometimes offer the most suitable solution to problems and in cases will be recommended.

The principal items of flood prevention, irrigation, pollution, etc., will be treated individually as much as possible to simplify understanding of the sometimes complex technical relationships which exist. However, all parts of the state water plan are parts of one whole and each recommendation, when and if implemented, will move Nebraska closer to unified development and administration of its water resources. The Commission feels the goal served by this recommendation which is the minimization of loss of life and property caused by flooding and the actions proposed are sufficiently independent as to be desirable and compatible with such other recommendations as may be later made.



FLOOD PREVENTION

The prevention of floods has been a dream of man since time began. Only by the prevention of floods can our villages and cities be secure and our fertile valleys be farmed. Before people came to settle there were few flood damages. The river carved its valleys and the nomadic peoples moved to higher lands. Today, however, these valleys are thickly populated with both people and their works of improvement.

The federal government, referring to the "general welfare" clause of the Constitution, allocated in excess of \$7,000,000,000 between 1936 and 1962 for flood prevention. Yet the damages each year were greater than the year before. One might assume from this that at the present rate of construction of flood protection works the effort would never be complete. This is true only if we fail now to provide for the future. Of the increase in flood damages, 45 percent has been attributed to the increase in property values, 25 percent to an increase in the amount of flooding and 30 percent to an increase in building and other uses of flood hazard lands.

Flood prevention can only be achieved where a total program is completed which includes among others:

1. Soil and water conservation treatment on the uplands
2. Detention structures on tributaries
3. Main stream structures storing large amounts of flood water
4. Channel improvement
5. Proper land use in flood hazard areas to reduce damages where other means of control are not utilized or not sufficient
6. Effective emergency action

If any of these types of control or prevention are lacking, then the solution is incomplete for in a comprehensive approach, each flood control tool complements the other.

FLOOD PREVENTION BY LAND USE REGULATION

Total control of flood waters by impoundments is often assumed by the layman to be the only method of flood prevention. However, this viewpoint is not tenable from an economic viewpoint. There are other alternatives which in cases offer more equitable and sounder solutions. Land use regulation is one such alternative.

Land use regulation for the prevention of flood damage is the practice of designating those areas which are susceptible to flooding and limiting their uses to those which will not be seriously damaged or present a hazard to life if flooded.

Land use regulation is one part of a complete program of flood prevention and one which can be put into effect quickly, inexpensively and yield great benefits. The damage done by a single flood to a locality could possibly exceed the needed state allocation for flood control for many years. Land use regulation by its nature is a forward looking program which will not rectify past errors but can help prevent future mistakes.



The purposes of land use regulation are to:

1. **Prevent** loss of life
2. **Prevent** the installation of structures which limit the channel capacity and increase flood heights
3. **Prevent** excessive property damage
4. **Protect** the public health
5. **Reduce** public expenditures for emergency operations, evacuation, restoration, etc.
6. **Discourage** the victimization of unwary land and home buyers by uninformed or unscrupulous sellers
7. **Prevent** damage to industries, transportation and utility systems etc.
8. **Remove** the impediment to community growth created by a history of flooding
9. **Prevent** further unwise expansion and development in unprotected flood plains, thus reducing future expenditures for expensive protective measures such as reservoirs, levees, etc.

The control of floods is one of the severest challenges given to man, but it can be done!

Brig. General Hervert D. Vogel, Chairman, Board of Directors, Tennessee Valley Authority, spoke of the role of land use regulations in transmitting a special report on flooding to the President and the Congress in 1959. He expressed this philosophy:

“Communities throughout the Nation are engaged in a new contest with their rivers and they are losing. They will continue to lose unless steps are taken to provide a new perspective—and a new channel of action—with respect to floods.

The problem arises from the basic fact that there are some floods which cannot be prevented and many cities that cannot be fully protected economically with artificial works such as dams and levees. Coupled with this fact is the rapid growth of urban communities, creating new pressures to utilize inviting but hazardous flood plains for subdivisions, shopping centers, commercial establishments, and other improvements. This mushrooming trend is creating new flood damage potential faster than construction works can add to existing protection.”

Mr. Gilbert F. White, a recognized authority in the field of resource development, in summing up the proceedings of the First National Conference on Flood Plain Regulations and Insurance stated:

“Those who know the facts no longer see the problem as one to be solved by engineering alone or by engineering combined with up stream land management. They see it as engineering plus community planning in the broad sense. The measures for flood damage reduction may include changes in buildings, improved flood forecasting, zoning ordinances, subdivision regulations, and building codes, supplemented by insurance. This is a major change in attitude. Moreover, it is recognized that this is not exclusively a Federal responsibility; it is a cooperative problem.”

A task force of experts assembled by the American Society of Civil Engineers stated in the introduction to their report concerning flood control:

“Physical protection of many flood hazard areas is essential and must continue to be vigorously pursued. Many flood-prone areas, however, are undeveloped or have not yet reached the state of development which would justify the construction of flood control works. Even in those watersheds where the construction of protection works is warranted, complete protection of all flood plains can seldom, if ever, be economically provided. Therefore, a new look must be taken at the entire flood situation, and all additional tools utilized to the fullest in a comprehensive attack, not only to hold the line, but to gain and eventually solve our major flood problems. To alleviate flood losses it is necessary to recognize the flood damage situation and to utilize additional measures such as flood plain regulations, flood forecasting, temporary evacuation, permanent evacuation, flood proofing and possibly flood insurance.”

In August, 1966, President Johnson transmitted to the Speaker of the House of Representatives, a report by the task force on federal flood control policy titled A UNIFIED NATIONAL PROGRAM FOR MANAGING FLOOD LOSSES (House Document 465) and stated in his letter:

“The Federal interest in this matter is beyond doubt. The Federal effort to cope with the problem will be unsparing. But I cannot over emphasize that very great responsibility for success of the program rests upon State and local governments, and upon individual property owners in hazard areas. The key to resolving the problem lies, *above all else*, in the intelligent planning for and State and local regulation of use of lands exposed to flood hazard.”

The respective roles of Nebraska state and local governments in the preparation and utilization of land use regulations as one element in the control of flood damages have not yet been clearly set out.



PRESENT STATUS AND NEED FOR LAND USE REGULATIONS



At the present time, counties and cities of the different classes have various authorities given by the Legislature to impose land use regulations for the protection and benefit of those in their areas of jurisdiction. Highly technical procedures are required to develop sound land use regulations based on a rational understanding of flood hazards which exist and the proper provision for the risk involved. Counties and cities do not ordinarily have staffs available to them which are able to provide this service nor would it be feasible in most cases for them to employ such staffs on a short term basis.

Some assistance is currently provided by various federal agencies. Studies to provide technical information can presently be made by the U.S. Army Corps of Engineers and the U.S. Geological Survey subject to their own administrative and technical regulations. Information concerning these studies are included in another section of the Recommendation. Existing legislation as contained in Neb. Rev. Stat. § 2-1507 (Supp. 1965) does not clearly state the role of the Nebraska Soil and Water Conservation Commission concerning the coordination of state, local and federal activities in this field. This state level coordination is advantageous in avoiding local entanglement with the sometimes complicated and little understood administrative and technical procedures of the federal agencies. The gap between a summary of technical data and effective local action may require additional technical assistance.

Little use has been made in the past of the local authority to zone for protection from floods. This can be attributed to a lack of cognizance on the part of local authorities of both their powers to regulate land use and the desirability of their utilization. Present legislation does not forcefully bring to the local authorities attention, their power and the assistances available in the use of these powers. The tendency of land use regulations to expose the true value of an area by recognizing the flood hazard discourages land speculation and generates strong opposition to such regulations. Local authorities have had difficulties in withstanding such pressure. The provision for ultimate responsibility at the state level would enable more uniform application of land use regulations. Many local communities may even be hostile to the adoption of land use regulations on the premise that it is an infringement on the right of an individual to exercise free choice in the use of his property. This view neglects the harmful effects that improper land use may have on adjoining or neighboring property. It also overlooks the vast amount of general tax dollars expended annually in flood fighting, flood relief, and structural flood control. Since streams may pass through many areas of differing local jurisdiction, a coordinated approach is required to obtain information and equitable regulation.

NEBRASKA SOIL AND WATER CONSERVATION COMMISSION POLICY



The State of Nebraska needs a comprehensive program for reducing flood losses. Flood control and watershed projects have been successful in many areas of the state and they must continue and be accelerated. In addition, programs are required to regulate and promote sound and economic development of the flood plain.

Ironically, flood losses are increasing each year though new watershed and flood control projects are being installed on the land. This is the result of unwise and uneconomic uses of existing flood plains. Local and state government in Nebraska, in cooperation with the federal government, needs to take the leadership in drafting, applying and enforcing land use regulation in our flood plains to insure wise and proper use of these areas of flood hazard. Such programs would be in the interest of the health, safety and general welfare of the people of the state.

AUTHORITY

The Nebraska Soil and Water Conservation Commission has been designated by the Legislature, as contained in Nebr. Rev. Stat. § 2-1504 (10) (Supp 1965) as the state agency responsible for flood prevention in Nebraska. In addition, Neb. Rev. Stat. § 2-1507 (10) (Supp. 1965) authorized the Commission to assist local governmental organizations in securing, planning and developing information on flood plains to be used in developing regulations and ordinances on proper use of flood plain areas. Flood control, to be successful must utilize a comprehensive approach including land treatment, detention and impoundment structures, levees, channel improvements, storm sewers, and land use regulations to reduce the potential flood damages.

ACKNOWLEDGMENT

The Nebraska Soil and Water Conservation Commission acknowledges that:

1. Comprehensive program of flood control, including conventional flood control structures and flood plain regulations are needed to minimize flood damages in Nebraska.
2. Primary responsibility for adopting flood plain regulations and ordinances rests with such local units of government as municipalities and county governing boards.



OBJECTIVES

The objectives of policy adopted by the Nebraska Soil and Water Conservation Commission shall be to:

1. **Prevent** the installation of structures which will limit the channel capacity and increase flood heights thereby becoming a nuisance and danger to neighboring landowners;
2. **Protect** unwary land and home buyers against victimization brought about by purchase of property in a high flood hazard area;
3. **Reduce** public expenditure for emergency operation, evacuation, and restoration;
4. **Prevent** loss of life, property damage, and protect the public health;
5. **Minimize** development which in future years will require expensive, protective measures such as reservoirs and levees;
6. **Remove** the impediment to community growth which a history of flooding creates;
7. **Recommend** techniques for flood proofing of existing improvements in flood plain areas; and
8. **Encourage** prudent development of flood plain areas to include parks, greenbelts, and such other improvements as land fills and channel rectifications where such improvements and uses are an integral and desirable component for development of the area.

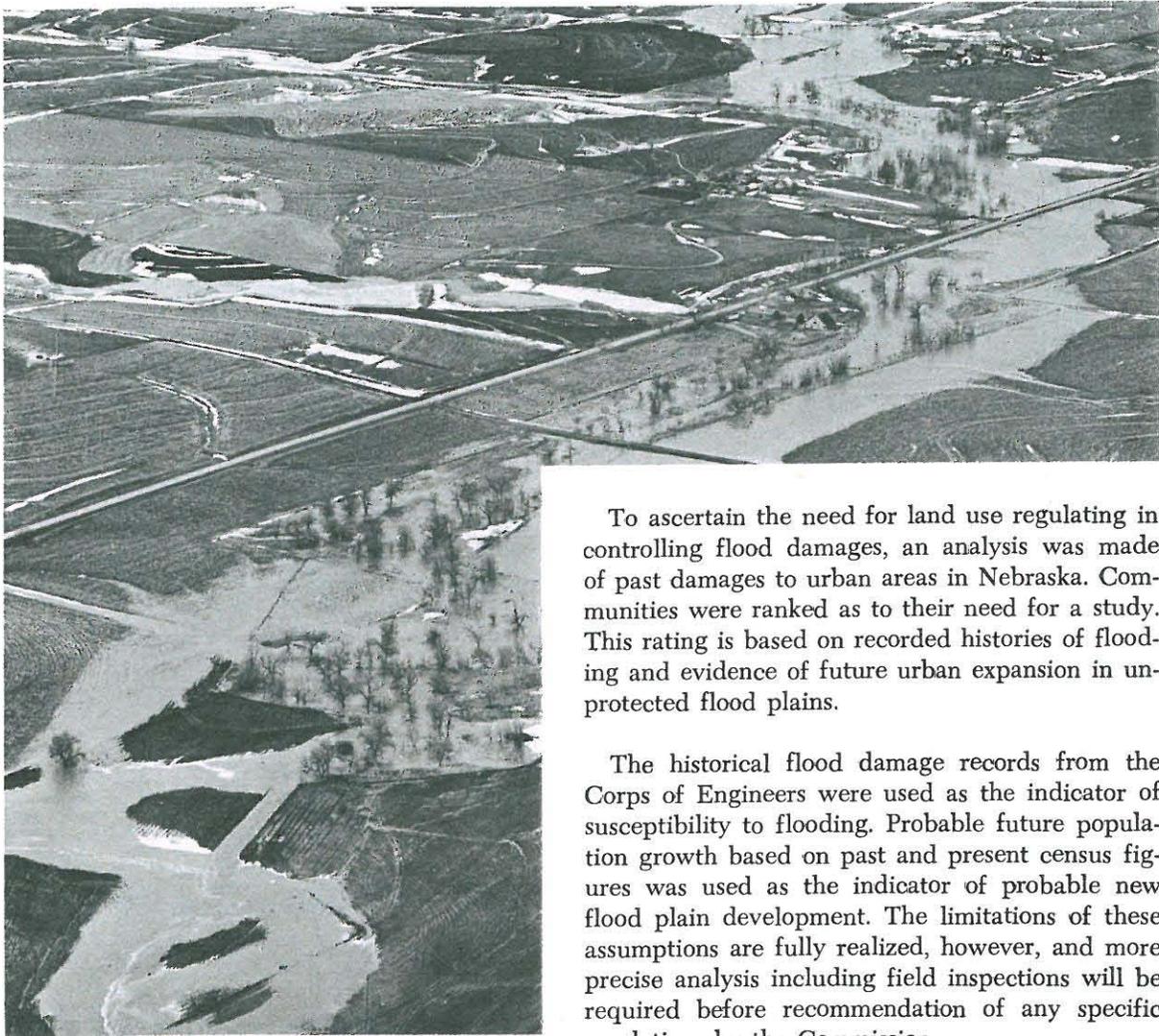
POLICY

The policy of the Nebraska Soil and Water Conservation Commission shall be to:

1. Assist local units of government in securing necessary information for drafting proper regulations for use of flood plain areas and to encourage these local units of government to apply and enforce desirable regulations for use of flood plain areas.
2. Draft minimum acceptable regulations for areas of flood hazard. Such regulations to be based on the best historical and technical information available. Enforcement of such minimum standards by the state should be authorized only when local units of government fail to act.
3. Request assistance of federal agencies having responsibility and technical proficiency in this field.
4. Adopt flood plain regulations that are not arbitrary or confiscatory, nor work undue hardships and economic losses on owners of land and existing improvements in a flood plain hazard area. Properly drafted regulations do not depress the value of property in a flood plain area. Such regulations simply recognize the flood hazard and authorize wise use in relationship to the hazard. It is the flood hazard that depresses the value of land and property in flood plains—not the properly drafted regulation or ordinance.
5. Let the larger public interest govern in conflicts between public and private interests.
6. Recognize the need for supplementing flood control projects with flood plain regulations, and consider the need for such regulations in granting full approval of any project deriving benefits from flood control in Nebraska.



COMMUNITIES REQUIRING ACTION



To ascertain the need for land use regulating in controlling flood damages, an analysis was made of past damages to urban areas in Nebraska. Communities were ranked as to their need for a study. This rating is based on recorded histories of flooding and evidence of future urban expansion in unprotected flood plains.

The historical flood damage records from the Corps of Engineers were used as the indicator of susceptibility to flooding. Probable future population growth based on past and present census figures was used as the indicator of probable new flood plain development. The limitations of these assumptions are fully realized, however, and more precise analysis including field inspections will be required before recommendation of any specific regulations by the Commission.

Damages shown in the tables were updated in 1965 dollars to provide a common base upon which to compare damages in various municipalities. The flood damage figures utilized were from the Corps of Engineers and were for the period between 1940 and 1965 only since most figures prior to 1940 were too fragmentary for use. Therefore, the 25 year base period from 1940 to 1965 was chosen for comparison of total damages. The U.S. Department of Commerce composite index was used to update damages.

Future population trends in Nebraska were assumed to follow the same general trend that has been apparent for the past 25 years. Therefore, the best available indication of growth on the flood plains was considered to be the town's change in population between 1940 and 1960. A secondary indicator of growth considered was proximity to large urban centers which could result in future growth as a satellite community. A listing of possible satellite communities for major cities appears on the summary sheet. At the present time, it appears that only the city of Omaha has any real satellite communities, however, expansion around major cities in the future was considered probable.

The 43 communities shown on the priority list exhibit both growth potential and past flood damages. In eleven of these communities the potential growth depended upon becoming a satellite community and these towns were placed near the bottom of the priority list.

Twenty-eight towns having both an increasing population and a previous flood damage were ranked from one to twenty-eight with the highest damaged town being number one. These towns were ranked again from one to twenty-eight with the town having the greatest population increase ranked number one. These two individual rankings were then added together to give a total ranking. The town with the least total ranking was placed number one on the priority list. Number two on the priority list had the second lowest total ranking, etc.

In making this priority list consideration was given to local flood protection projects. To compensate for local flood protection projects the damage figures were reduced by the amount shown in parentheses in the tabulation before they were ranked according to highest damages—(see priority 4, Norfolk)

Existing flood plain information studies in no way affected the priority given a town. At the present time the flood plain information studies completed have not been fully utilized to prepare adequate land use regulations. Lincoln, Omaha, Grand Island, and Papillion have such studies either underway or completed.

There are probably many other ways that priorities could have been established, however, the first seven towns on the list have had flood protection projects of one kind or another started or completed indicating that the flood problems have already been recognized as significant in these areas.

Field study, expressions of local interest, availability of local topographic mapping and other factors will cause some changes in this priority list. However, this examination does establish that there are communities that need help in controlling flood damages.

The values shown for the damages should not be construed as representing the total cost of floods. Those figures are based only on information which was readily available from the Corps of Engineers' records. The Corps of Engineers does not collect damage data from all floods nor do they collect all damages from any one flood. Furthermore, to the extent that they are collected, damage estimates include only the direct, easily observable damages and not the total cost to the state's economy.

Other communities such as Fairbury, Crete, York, Waterloo, DeWitt, Niobrara, Hebron, Milard, Fullerton, St. Edward to name only a few are prone to flood damage but not included due to lack of data concerning past flood damages.

FLOOD PLAIN ZONING PRIORITY LIST

MUNICIPALITIES OVER A POPULATION OF 1000

Priority	Town	Damage ¹	1940-1960 Population Growth	Population 1960/1940	Potential Satellite Of	Comments
1	Lincoln	\$ 8,031,000	46,537	1.57		Flood Plain Study Salt Valley Watershed (75%) ²
2	Omaha	260,000	77,754	1.35		Flood Plain Study
3	Columbus	630,000	4,844	1.64		Damage may be low
4	Norfolk	12,200,000	3,150	1.30		L.F.P. (95%) ²
5	Beatrice	1,026,700	1,249	1.12		L.F.P. is under study
6	Grand Island	23,800	6,612	1.34		Flood Plain Study
7	Papillion	97,400	1,472	2.93	Omaha	Flood Plain Study
8	Fremont	6,100	7,872	1.67		Damage may be low
9	Sidney	14,700	4,616	2.36		
10	Schuyler	615,000	288	1.10		
11	Valley	370,500	467	1.48	Omaha	
12	Wahoo	69,700	962	1.36	Lincoln	
13	Broken Bow	355,300	514	1.17		
14	Cozad	54,300	1,028	1.43		
15	Scribner	826,100	117	1.13		
16	Ashland	304,200	280	1.16		
17	Ralston	5,400	2,143	3.57	Omaha	
18	Lexington	6,600	1,884	1.52		
19	West Point	446,000	411	1.16		L.F.P. (90%)
20	So. Sioux City	200	2,644	1.58		
21	Milford	9,300	703	1.93	Lincoln	
22	Louisville	36,900	217	1.22		
23	Gibbon	28,500	247	1.30		
24	O'Neill	900	649	1.26		
25	Ord	9,100	173	1.08		
26	Waterloo	270,000	135	1.35		
27	Wilber	11,700	3	1.01		
28	Plainview	700	56	1.04		
29	Stanton	64,800			Norfolk	
30	Pierce	264,400			Norfolk	L.F.P. (95%)
31	Madison	71,600			Norfolk	L.F.P. (91%)
32	Arlington	18,500	171	1.30	Omaha	
33	Beemer	45,100	82	1.14		
34	Verdigré	22,000	28	1.05		
35	Overton	3,300	32	1.07		
36	Meadow Grove	71,500			Norfolk	
37	Pleasanton	67,000			Kearney	
38	Battle Creek	64,800			Norfolk	
39	Firth	47,500			Lincoln	
40	Platte Center	31,100			Columbus	
41	Roca	21,500			Lincoln	
42	Fort Crook	3,100			Omaha	
43	Hoskins	400			Norfolk	

1. DAMAGE: Figures are dollar damages between 1940 and 1965 expressed in 1965 dollars.

2. L.F.P.: Is a local flood protection project. The figure in parentheses is average annual damage prevented/average annual damage.

TYPES OF INFORMATION AVAILABLE



Information is available concerning some major floods of history. Field surveys to determine the limits of inundation are made by both the U.S. Geological Survey and the Corps of Engineers.

Additional information on past floods may be obtained from newspaper accounts. . . .



Interviews with area residents and . . .



permanent high water marks.



This information is not uniformly available throughout the state and the events for which it is available vary in magnitude.

Any regulations considered should be based to the extent possible on historical data. However, there are techniques by which the effect of storms different from those experienced may be accurately forecast. Historical data is studied and water surface elevations are determined both as special studies of both the U.S. Geological Survey and the Corps of Engineers. The Corps of Engineers and the Bureau of Reclamation also have flood information available as a part of past studies carried out for various purposes.

The information is available to enable implementation of regulations for many areas. The need exists, however, to gather this information together, prepare it in a uniform fashion, and distribute it to appropriate state and local officials.

Where no suitable information is available, the U.S. Geological Survey and the Corps of Engineers many undertake a special study. Current federal policy requires non-federal interests to provide certain basic data which may delay needed studies if the local sponsor lacks either the funds, staff or competence to comply.

TYPICAL LAND USE REGULATIONS

The following are examples of the types of regulations that can be utilized to reduce flood damages. They are only examples, however, and are not suggested to become the "minimum acceptable." Any set of "minimum acceptable standards" would necessarily be subject to change to deal with the different conditions of each area.

ZONING ORDINANCES

PRIMARY FLOODWAYS

Within the primary floodway as shown on (appropriate map), the following regulations shall apply:

USES PERMITTED

- a. Crop farming, truck gardening, livestock grazing, tree farming and similar agricultural uses.
- b. Public parks, recreation areas and facilities including boat ramps, docks, parking areas, picnic tables and fireplaces, private and commercial recreational developments and facilities and camp grounds provided that rest room facilities be approved by the local Health Department.
- c. Temporary storage uses by permit (not including flammable or dangerous liquids such as petroleum, chlorine, etc.) All equipment and materials to be contained or secured so as not to pose dangers by becoming floating debris.
- d. Permanent animal occupancy such as stables, kennels, etc.
- e. Commercial excavation of natural materials (by permit).
- f. Other more or less open space uses as may be determined proper by the Commission with a view toward existing local and regional conditions.

USES AND IMPROVEMENTS PROHIBITED

- a. No building or structure shall be constructed, altered, extended or moved into the primary floodway.
- b. No landfill or dumping shall be permitted in the primary floodway except as part of approved flood control works.
- c. No permanent storage of materials or equipment.
- d. The accumulation of floatable debris is prohibited.



SECONDARY FLOODWAYS

Within the secondary floodway as shown on (appropriate map) the following uses shall apply.

USES PERMITTED

- a. All uses permissible in the primary floodway.
- b. Buildings necessary for the uses permitted in the primary floodway if constructed in accordance with the appropriate building codes.
- c. Residential, public and commercial uses providing construction is in accordance with appropriate building codes and 75 percent of any land under separate ownership is maintained free of structures which would impede flood flows and at least 25 percent of land under separate ownership is above the elevation of the outer limit of the secondary floodway.
- d. Landfill is permitted in the secondary floodway to meet criteria set out in this section.
- e. Commercial and public uses which do not meet (b) or (c) but which provide adequate protection by levees, or other acceptable flood proofing methods (by permit).



BUILDING CODES

For those uses requiring approval and compliance with floodway building codes or the issuance of permits the following shall apply:

FOUNDATIONS

Exterior walls below grade and the cellar floors of all buildings enclosing habitable or occupiable rooms or spaces below grade shall be made watertight, and when necessary shall be reinforced to withstand water pressure equal to that produced by a water level equal to the elevation of the outer boundary of the secondary floodway. The basement walls of the building in the residential use groups and the walls of all habitable and occupiable rooms and space below grade shall be protected with not less than a one-coat application of approved waterproofing paint, or a one-half ($\frac{1}{2}$) inch pargeing coat of portland cement mortar or other approved damp-proof covering.

Sills shall be anchored to the foundation walls at intervals not exceeding six feet by anchors equivalent to bolts not less than one-half ($\frac{1}{2}$) inch in diameter with proper washers embedded at least seven inches in the foundation.



All structures, improvements, equipment, etc. shall be either of a weight to resist floatation or be attached to a base to form a fixed unit that will resist floatation in waters of the same elevation as the outer limits of the secondary floodway.

Girders resting on foundation walls or piers shall be anchored thereto.

Columns and posts shall be securely anchored to their foundation and the members they support.

SUBDIVISION REGULATIONS

Lands lying in a designated secondary floodway are not deemed suitable for subdivision unless the following provisions are complied with:

- a. Street surfaces shall lie above the elevation of the outer limit of the secondary floodway.
- b. Each lot must have 25 percent of its area above the elevation of the outer boundary of the secondary floodway.
- c. The lower floor of any residence, excluding basements, must be higher than the outer boundary of the secondary floodway.
- d. Not more than 75 percent of the portion of any lot lying below the elevation of the outer boundary of the secondary flood plain shall be occupied by improvements.
- e. The final plot of land proposed for subdivision must clearly show any part of the proposed subdivision that lies within a designated floodway.



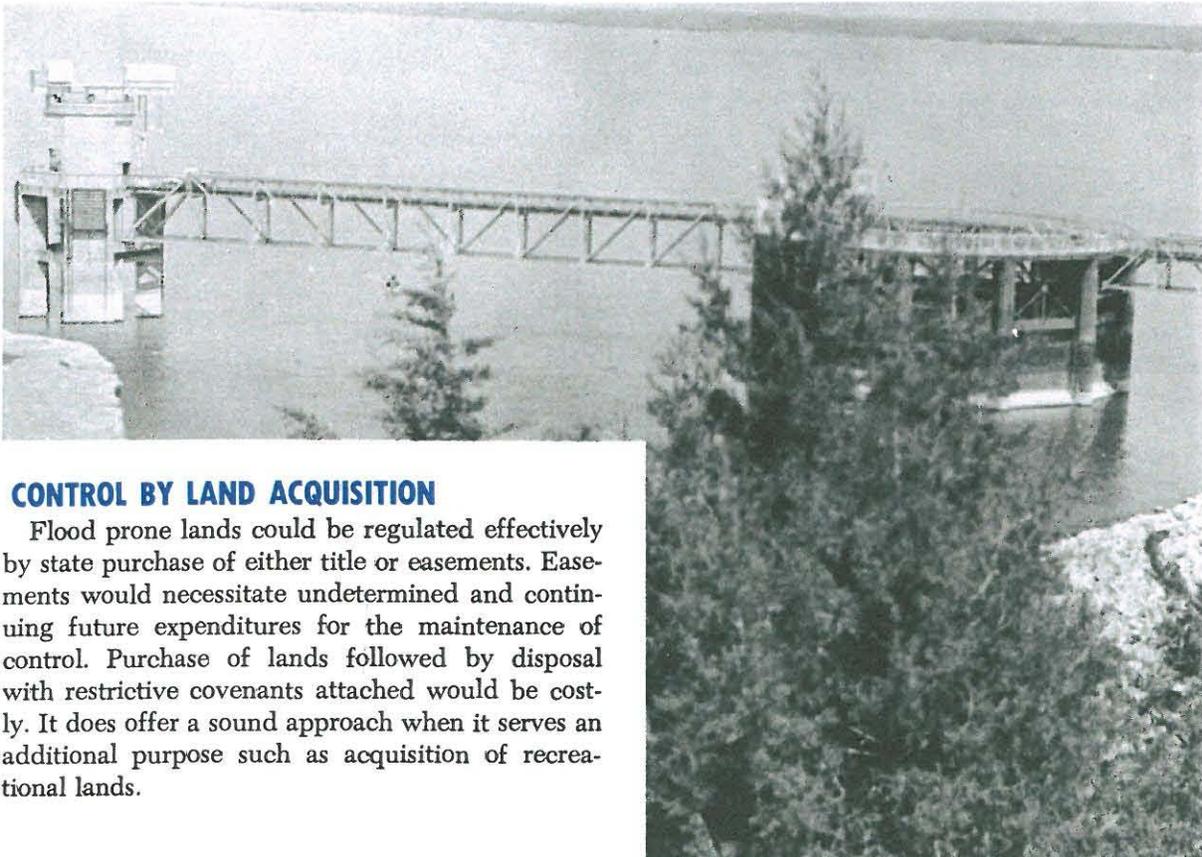
ALTERNATIVE METHODS OF ACHIEVING THE GOAL

Land use regulations are only one method of achieving the reduction of flood damages. The method proposed is regulatory in nature. Other general methods are suggested and commented on below:

STRUCTURAL CONTROL

Past attempts to control floods have centered largely about the use of reservoirs, levees, channel improvements and other structural methods. While these remain indispensable tools whose use should be maintained and accelerated; when used alone, they have several shortcomings including:

1. Not all areas may be protected due to technical problems.
2. Areas not sufficiently developed may sustain low to moderate damages for long periods before economic feasibility of structural protection can be shown.
3. Provision of a particular level of protection without additional controls encourages further development negating the damage reduction capability of the structure.
4. Structures have a limited although long life. Development based upon flood protection due to impoundment will require additional protection as reservoir capacities decrease.



CONTROL BY LAND ACQUISITION

Flood prone lands could be regulated effectively by state purchase of either title or easements. Easements would necessitate undetermined and continuing future expenditures for the maintenance of control. Purchase of lands followed by disposal with restrictive covenants attached would be costly. It does offer a sound approach when it serves an additional purpose such as acquisition of recreational lands.

RECOMMENDATIONS FOR ACTION

BY THE GOVERNOR

1. Cause the Division of Nebraska Resources (Department of Agriculture) to recognize flood information studies as a necessary part of community planning. The Division administers federal funds under the Housing and Urban Development Act which are used to fund community studies.
2. Cause the Director of Banking to periodically distribute available information concerning flood hazard areas to lending institutions operating in Nebraska.
3. Insure the cooperation of the Department of Roads and the Soil and Water Conservation Commission on highway structures, so that these bridges and roads fills do not constitute channel encroachment and that full advantage is taken of opportunities to incorporate flood storage impoundments behind road fill embankments.
4. Cause the Tax Commissioner to study and counsel county assessors on the use of scientific and realistic appraisal of flood plain areas to discourage unwise development of flood hazard lands and to recognize lower real value of such lands as compared to non-floodable property.
5. Insure that no department responsible to the Governor encourages unwise development of flood hazard lands by provision of state funds, approval of federal expenditures, or by failing to exercise discretionary authorities.

BY THE LEGISLATURE

1. Spell out the functions of the Nebraska Soil and Water Conservation Commission as relates to the coordination of federal, state and local participation in gathering flood information.
2. Retain authority at the state level to invoke proper land use regulations in the absence of appropriate local action.
3. Provide for the enforcement of adopted land use regulations.
4. Provide funds for the necessary hydrologic studies and implementation of assigned agency responsibilities.
5. Provide for the posting of flood hazard areas.
6. Direct the Game, Forestation and Parks Commission to place a clear priority on the proper use of flood hazard lands in both land acquisition programs and local grants.
7. Insure that the State will in no way encourage unwise development of flood hazard lands by provision of state funds, approval of federal expenditures, or by failing to exercise discretionary authorities.
8. Require that all State lands if and when disposed, have future uses appropriately restricted if a flood hazard exists.
9. Specify the powers of all cities and counties to adopt and enforce land use regulations.