

ORDINANCE NO. 288

AN ORDINANCE AMENDING CHAPTER 13, TO ADD DEFINITIONS; TO UPDATE ACRONYMS; TO MAKE CHANGES TO INCLUDE ALL RIVERS AND STREAMS IN MADISON COUNTY FOR BUILDING DESIGNS; CHANGE SUBDIVISION DEVELOPMENT REQUIRMENTS; TO ADD TO THE RESIDENTIAL AND NON-RESIDENTIAL STANDARDS; TO CHANGE ZONE DESIGNATIONS TO MATCH COUNTY'S; CHANGING SET-BACK FROM WATER WAYS; AND ADDING A DISCLAIMER.PROVIDING FOR APPLICABILITY; ESTABLISHING AN EFFECTIVE DATE HEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OR MADISON COUNTY, IDAHO, AS FOLLOWS:

1. Chapter 13 of the Madison County Zoning Ordinance is hereby amended, as follows:

Chapter 13 FLOODPLAIN OVERLAY ZONE

Sections

- 13.1 Purpose**
- 13.2 Definitions**
- 13.3 Applicability**
- 13.4 Flood Insurance Rate Map Adopted By Reference**
- 13.5 Building Permit Required**
- 13.6 Building Permit Defined**
- 13.7 Administrator Appointed**
- 13.8 City Designee-Duties and Responsibilities**
- 13.9 General Standards**
- 13.10 Specific Standards**
- 13.11 Floodplain Compliance Disclaimer**
- 13.12 Building Adjacent To Rivers and Streams**
- 13.13 Flood Plain Construction**
- 13.14 Disclaimer**

13.1 Purpose

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

- A. 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;
- B. Requiring that uses vulnerable to floods, including facilities which

- serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplain, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
 - E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
 - F. This is a supplement to Ordinance No. 174 and is not intended to replace or supersede said ordinance.

13.2 Definitions

For the purpose of this Ordinance, certain terms are defined as set forth in this chapter. All words in the present tense include the future tense; the plural includes the singular, and all words in the singular include the plural unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory.

- A. **Area of Special Flood Hazard** means the land in the flood plain within the community subject to a one percent (1%) or greater chance of flooding in any given year. On maps always has letters A or V designation.
- B. **Base Flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as a 100-year flood. Designation on maps always has letters A or V.
- C. **Development** Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation or the storage of equipment or materials.
- D. **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters; and/or
 - (2) The unusual and rapid accumulation of runoff of surface waters from any source.
- E. **Flood Insurance Rate Map (FIRM)** means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- F. **Flood Insurance Study** means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- G. **High Water Mark** means the point at which the river or stream becomes bank full, that is to say, the point at which the flow that fills the channel to the top of its natural bank and to where the water

begins to overflow into the flood plain.

- H. **Lowest Floor** means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a buildings lowest floor, provided that such enclosure is not built so as to render structure in violation of the applicable non-elevation requirements of this ordinance.
- I. **Manufactured Home** means structure, transportable in one 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 flood plain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than on hundred eighty (180) days in a one (1) year period. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers and other similar vehicles.
- J. **New construction** means structures for which the start of construction commenced on or after April 1, 1991.
- K. **Start of Construction** includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages, or sheds not occupied as dwelling units or not part of the main structure.
- L. **Structure** means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- M. **Substantial Improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
 - (1) Before the improvement or repair is started; or
 - (2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition **substantial improvement** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the

external dimensions of the structure.

13.3 Applicability

The "Flood Zone" shall apply to all areas of special flood hazards within the jurisdiction of Madison County, Idaho.

13.4 Flood Insurance Rate Map Adopted By Reference

The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Insurance Rate Map (FIRM), is adopted by reference and declared to be a part of the ordinance codified in this title.

13.5 Building Permit Required

A building permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be for all structures including manufactured homes, and for all other development including fill, excavation, and other activities.

13.6 Building Permit Defined

All references within this chapter to "building permits" shall include permits for development as the term "development" is defined under Section 2-1 of this code.

13.7 Administrator Appointed

A designee of the County shall be appointed to administer and implement this zone by granting or denying permit applications in accordance with its provisions.

13.8 County Designee-Duties and Responsibilities

Duties of the County designee shall include, but not be limited to:

- A. Permit review
 1. Review all building permits to determine that all permit requirements of this zone have been satisfied;
 2. Review all building permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and,
 3. Review all building permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 13.8 and 9 are met.
- B. Use of other base flood data - When base flood elevation data has not been provided the County designee 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 subsections A, B, and C of Section 13.9.
- C. Information to be obtained and maintained
 1. Where base flood elevation data is provided through the

- Flood Insurance Study or in Section 13.7 (B) obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
2. For all new or substantially improved floods proofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level).
 - b. Maintain the flood proofing certifications required in subsection B3 of Section 13-9.
- D. Alteration of watercourses
1. Notify adjacent communities and the Idaho State Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Interpretation of FIRM boundaries - Make interpretation where needed, as to exact location of the boundaries on Flood Insurance Rate Maps that determine the areas of special flood hazards. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the rules and regulations of the National Flood Insurance Program.

13.9 General Standards

In all areas of special flood hazards the following standards are required:

- A. Anchoring
1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" Guidebook for Additional Techniques).
- B. Construction materials and methods
1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed to be water tight and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals

1. All subdivision proposals with lots equal to or larger than 16 acres shall be designed in a way to affect a 0 (zero) rise to flood plain.
2. All subdivisions with lot sizes less than 16 acres will require that a drainage/flood model be developed and that any adverse impacts be defined and means to correct adverse impact be designed and implemented.
3. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric, and water systems located and constructed to minimize flood damage.
4. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
5. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals by the developer and shall show Base Flood Elevation for each lot in Subdivision.
6. All subdivision proposals in flood zone areas shall be required to do Nutrient Pathogen study and meet DEQ requirements in determining impact of waste water effect on aquifer.

- E. Review of building permits - Where 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 reasonable safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs

or past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

13.10 Specific Standards

In all areas of special flood hazards where base flood elevation data have been provided by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Madison" on file at Madison County Courthouse, Rexburg, Idaho, and declared to be a part of this chapter, with accompanying flood insurance maps, the following provisions are required:

A. Residential construction

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
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 meet or exceed the following minimum criteria:
 - a. A minimum of two openings (2) 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;
 - b. The bottom of all openings shall be no higher than one foot above grade; and,
 - c. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit floodwaters.
 - d. The top of all septic tanks shall be elevated to at least one (1') foot above BFE (base flood elevation).

B. Nonresidential construction - New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

1. be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydronamic loads and effects of buoyancy;
3. Be certified by registering professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development

and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection C2 of Section 13-9.

4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section, 13-9 (2).
 5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
 6. The top of all septic tanks shall be elevated to at least one (1') foot above BFE (base flood elevation).
- C. Manufactured or mobile homes - All manufactured homes to be placed or substantially improved within zones Agricultural, Trans-Ag & R1, as set forth on the Flood Insurance Rate Map, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1') foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 13-8 (A).
- D. Floodways - Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and,
 2. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

13.11 Floodplain Compliance Disclaimer

The County, in issuing a building permit for construction within this zone, makes no representation to the applicant of the County's compliance with Federal and State laws because a report entitled "The Flood Insurance Study for the County," with accompanying flood insurance maps, has not been completed and submitted to the County by the Federal Flood Insurance Program; therefore, the county makes no representation pertaining to the issuance of permits within floodplain or the ability of the applicant to obtain federally sponsored financing for construction or sale of a building that the applicant will be able to obtain national

flood insurance.

13.12 Building Adjacent Rivers and Streams

A minimum of a two hundred feet (200') set back measured from five feet (5') vertically above the high water mark running horizontally for two hundred feet (200') at which point construction may begin on any rivers or streams in Madison County.

13.13 Flood Plain Construction

The forgoing sections of Chapter 13 notwithstanding, all construction within the flood plain may be subjected to conditional use approval, dependent upon the building inspector's approval.

13.14 Disclaimer

The final word on any disputes will be referred to The Madison County Ordinance No 174 the Amended Flood Damage Prevention Ordinance.

This ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED THIS 25th DAY OF September, 2006.

BOARD OF COUNTY COMMISSIONERS
MADISON COUNTY, IDAHO

ROGER MUIR, CHAIRMAN

ATTEST:

MARILYN RASMUSSEN, CLERK