

Chapter 15.15

FLOOD DAMAGE PREVENTION

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15.15.010 Statutory authorization.

The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, ~~the state of Washington~~ Jefferson County does ordain as follows. [Ord. 7-06 Att. A]

15.15.aaa Severability.

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

15.15.bbb General exemptions.

A flood development permit is not required if the proposed activity meets one of the following:

- (1) Routine maintenance of existing landscaping that does not involve grading, excavation, or filling.
- (2) Removal of noxious weeds, hazardous trees, and replacement of non-native vegetation with native vegetation; provided, weed removal is based on the Jefferson county Noxious Weed List and is conducted in accordance with the Noxious Weed Control Board weed control guidance.
- (3) Normal maintenance of above ground public utilities and facilities, such as replacing power lines and utility poles, but does not include connecting or extending lines onto private property, such as residential utility lines.
- (4) Normal road maintenance, such as filling potholes, repaving, installing signs and traffic signals; provided, no expansion is proposed.
- (5) Normal maintenance of a levee or other flood control facility, as prescribed in the operations and maintenance plan for the facility; provided, normal maintenance does not include repair from flood damage, any expansion of the prism, face or toe, or the addition of material for protection or armor.
- (6) Plowing and other normal farm practices on legally existing agricultural areas; provided, there is not new structures, filling, or ground clearing.

15.15.020 Findings of fact.

(1) The flood hazard areas of Jefferson County 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.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

(3) Those development permits seeking to construct within critical areas and/or a flood hazard area shall be subject to this chapter.

(4) Jefferson County regulates development in frequently flooded areas through critical area protection standards found in Chapter 18.~~15-22~~ JCC.

(5) Regulations that govern development in flood hazard areas may be found in Chapter 18.25 JCC – Shoreline Master Program.

(6) Regulations that govern development in flood hazard areas may be found in Chapter 15.05 JCC – Building Codes.

(7) Regulations that govern development in flood hazard areas may be found in Chapter 18.30 JCC – Development Standards.

(8) Regulations that govern development in flood hazard areas may be found in Chapter 8.15 JCC – On-Site Sewage Disposal Systems.

(9) Development is prohibited in floodways. [Ord. 7-06 Att. A]

15.15.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money and costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To ensure that potential buyers are notified that property is in an area of special flood hazard;

(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. [Ord. 7-06 Att. A]

(9) To ensure that those who occupy areas within the special flood hazard area participate in and maintain eligibility for flood insurance and disaster relief.

15.15.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas. [Ord. 7-06 Att. A]

15.15.050 Definitions.

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

“Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

“Area of shallow flooding” is means a designated as AO, ~~or~~ AH, or VO zone on the Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. AO Zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

“Area of special flood hazard” means the land in the floodplain within a community subject to a 1 percent or greater chance of floodin in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). Special flood hazard area is synonymous in meaning with the phrase area of special flood hazard. ~~is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.~~

“Base flood” means the flood having a one percent chance of being equalled or exceeded in any given year ~~(also referred to as the “100 year flood”); these areas are designated on Flood Insurance Rate Maps by the letters A or V.~~

“Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

“Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone ~~V1-30, VE or V.~~

“Community” means any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

“Cumulative substantial damage” means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials ~~located within the area of special flood hazard.~~

“Elevated building” means, for insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

~~“Elevation certificate” means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.~~ means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the ~~adopted~~ floodplain management regulations adopted by a community.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “flooding” means:

~~(1) a~~ general and temporary condition of partial or complete inundation of normally dry land areas from:

~~(a)~~ The overflow of inland or tidal waters, ~~and/or~~

~~(b)~~ The unusual and rapid accumulation of runoff of surface waters from any source.

~~(c)~~ Mudslide (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

~~(2)~~ The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

“Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

“Flood Insurance Rate Map (FIRM)” means ~~the~~ an official map of a community, on which the Federal Insurance Administration has delineated both the ~~areas of~~ special flood hazard ~~areas~~ and the risk premium zones applicable to the community. ~~A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).~~

“Flood Insurance Study (FIS)” 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.

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Floodplain management regulations” includes zoning regulations, subdivision regulations, building codes, health regulations, special purpose regulations (such as floodplain regulations, grading regulations and erosion control regulations) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide stands for the purpose of flood damage prevention and reduction.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ designated height.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior, or

(b) Directly by the Secretary of the Interior in states without approved programs.

“Increased cost of compliance” means a flood insurance claim payment up to \$30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of “substantial damage” or as a result of a “cumulative substantial damage.” (More information can be found in FEMA ICC Manual 301.)

“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 building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at JCC 15.15.080(2) (i.e., provided there are adequate flood ventilation openings).

“Manufactured home” means a 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 attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of ~~the ordinance codified in this chapter~~ an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced

on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by a community.

“Reasonably safe from flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where no flood elevation is available, reasonably safe from flooding means that the lowest floor is at least two feet above the highest adjacent grade.

“Recreational vehicle” means a vehicle:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“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 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of 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 clearing, 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 foundations 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

- (1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- (2) A manufactured home (“a manufactured home, also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- (3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.

For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any ~~repair~~, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure ~~either:~~

~~(1) Before the “start of construction” of the improvement, or repair is started; or~~

~~(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes 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. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:~~

~~The term can exclude:~~

~~(1) Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or~~

~~(2) Any alteration of a “historic structure”, listed on the National Register of Historic Places or a state inventory of historic places, provided that the alteration will not preclude the structure’s continued designation as a historic structure.~~

~~“Variance” means a grant of relief by a community from the terms of a floodplain management regulation, requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.~~

~~“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)10, (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided, any act or omission contrary to this chapter or not in compliance with this chapter. For a violation that continues each 24-hour period constitutes a separate and distinct violation.~~

~~“Water dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. [Ord. 7-06 Att. A]~~

15.15.060 General provisions.

(1) Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of Jefferson County.

(2) Basis for Establishing the Areas of Special Flood Hazard. ~~The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Jefferson County, Washington and Incorporated Areas” dated June 7, 2019, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, area hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at Jefferson County Department of Community Development (621 Sheridan Street, Port Townsend, Washington 98368). The areas of special flood hazard identified by the Federal Insurance Administration in scientific and engineering reports entitled, “The Flood Insurance Study for Jefferson County” dated July 19, 1982, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at Jefferson County department of community development located at 621 Sheridan Street, Port Townsend, Washington 98368. The best available information for flood hazard area identification as outlined in JCC 15.15.070(3)(b) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under JCC 15.15.070(3)(b).~~

~~(3) Changes to Special Flood Hazard Area. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.~~

(4) Requirement to Submit New Technical Data. Within six months, notify FEMA of changes in the base flood elevation by submitting technical or scientific data, so that insurance rates and floodplain management requirements will be based on current data not currently found in this chapter, as required by 44 CFR 65.3.

(35) Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall be deemed to have committed a violation. Upon conviction thereof the violator may be fined not more than \$1,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Jefferson County from taking such other lawful action as is necessary to prevent or remedy any violation.

(46) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(57) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(68) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Jefferson County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. [Ord. 7-06 Att. A]

15.15.070 Administration.

(1) Establishment of Development Permit.

(a) Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in JCC 15.15.060(2). The permit shall be for all structures including manufactured homes, as set forth in the "Definitions" (JCC 15.15.050), and for all development including fill and other activities, also as set forth in the "Definitions" (JCC 15.15.050).

(b) Application for Development Permit. Application for a development permit shall be made on forms furnished by the development review division of the department of community development for Jefferson County and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (i) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate (~~FF 81-31~~) with Section B completed by the local official;
- (ii) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (iii) Certification by a licensed ~~land surveyor~~ engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in JCC 15.15.080(2)(b);
- (iv) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(2) Designation of the Local Administrator. The Jefferson County development services manager is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(3) Duties and Responsibilities of the Local Administrator. Duties of the development services manager shall include, but not be limited to:

(a) Permit Review.

(i) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(ii) 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.

(iii) 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 JCC 15.15.080(4)(a) are met.

(b) Use of Other Base Flood Data (in A and V Zones). When base flood elevation data has not been provided (in A or V Zones) in accordance with JCC 15.15.060(2), Basis for Establishing the Areas of Special Flood Hazard, the development service manager 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 JCC 15.15.080(2), Specific Standards, and 15.15.080(4), Floodways.

(c) Information to Be Obtained and Maintained.

(i) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in subsection (3)(b) of this section, obtain and record the actual (as-built) elevation (in relation to 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. Recorded on a current elevation certificate (~~FF 81-31~~) with Section B completed by the local official.

(ii) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (3)(b) of this section:

(A) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed.

(B) Maintain the floodproofing certifications required in subsection (1)(b)(iii) of this section.

(iii) Maintain for public inspection all records pertaining to the provisions of this chapter.

(d) Alteration of Watercourses.

(i) Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(ii) 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 interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). 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 standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program.

(4) Conditions for Variances.

(a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases, the technical justification required for issuing the variance increases.

(b) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(e) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

(f) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (4)(b) of this section, and otherwise complies with JCC 15.15.080(1)(a), (1)(c), and (1)(d).

(g) Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk. [Ord. 7-06 Att. A]

(h) In considering variance applications, the floodplain administrator shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(i) The danger that materials may be swept onto other lands to the injury of others;

(ii) The danger to life and property due to flooding or erosion damage;

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity to the facility of a waterfront location, where applicable;

(vi) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

(vii) The compatibility of the proposed use with existing and anticipated development;

(viii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(ix) The safety of access to the property in time of flood for ordinary and emergency vehicles;

(x) The expected height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

(xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

15.15.080 Provisions for flood hazard reduction.

(1) General Standards.

(a) Anchoring.

(i) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

(ii) All manufactured homes shall 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. For more detailed information, refer to guidebook, FEMA 85, "Manufactured Home Installation in Flood Hazard Areas."

(b) Construction Materials and Methods.

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

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

(iii) 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. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

(c) Utilities.

(i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

(ii) Water wells shall be located on high ground that is not in the floodway;

(iii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

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

(d) Subdivision Proposals and Other Development where 50 or More Lots are Being Created or the Project Includes 5 or More Acres.

(i) All subdivision proposals shall be consistent with the need to minimize flood damage;

(ii) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage;

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

(iv) 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 which contain at least 50 lots or five acres (whichever is less).

(e) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (JCC 15.15.070(3)(b)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(2) Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in JCC 15.15.060(2), Basis for Establishing the Areas of Special Flood Hazard, or JCC 15.15.070(3)(b), Use of Other Base Flood Data. Additional standards were clarified in a FEMA Technical Bulletin 11-01 to allow crawlspace construction for buildings located in the special flood hazard areas; ~~however, adopting this provision can result in a 20 percent increase in flood insurance premiums.~~

(a) Residential Construction.

(i) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE).

(ii) 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 architect or must meet or exceed the following minimum criteria:

(A) A minimum of two openings 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.

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

(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 one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(i) Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(iii) Be certified by a licensed ~~land surveyor~~ 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 JCC 15.15.070(3)(c)(ii);

(iv) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (2)(a)(ii) of this section.

(c) Manufactured Homes. All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(d) Recreational Vehicles. Recreational vehicles placed on sites are required to either:

- (i) Be on the site for fewer than 180 consecutive days; or
- (ii) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- (iii) Meet the requirements of subsection (2)(c) of this section and the elevation and anchoring requirements for manufactured homes.

(3) AE and A1 – 30 Zones with Base Flood Elevations But No Floodways. In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1 – 30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(4) Floodways. Located within areas of special flood hazard established in JCC 15.15.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

(c) If subsection (4)(a) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(5) Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRMs as AO Zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

(a) New construction and substantial improvements of residential structures and manufactured homes within AO Zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure, one foot or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).

(b) New construction and substantial improvements of nonresidential structures within AO Zones shall either:

- (i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified). Recorded on a current elevation certificate (~~FF-81-31~~) with Section E completed; or
- (ii) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic

loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in subsection (2)(b)(iii) of this section.

(c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(d) Recreational vehicles placed on sites within AO Zones on the community's FIRM are required to either:

(i) Be on the site for fewer than 180 consecutive days; or

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(iii) Meet the requirements of subsections (5)(a) and (5)(c) of this section and the anchoring requirements for manufactured homes (subsection (1)(a) of this section).

(6) Coastal High Hazard Areas. Located within areas of special flood hazard established in JCC 15.15.060(2) are coastal high hazard areas, designated as Zones V1 – 30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:

(a) All new construction and substantial improvements in Zones V1 – 30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that:

(i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and

(ii) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (6)(a)(i) and (ii) of this section.

(b) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1 – 30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The development service manager shall maintain a record of all such information.

(c) All new construction within Zones V1 – 30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide.

(d) Provide that all new construction and substantial improvements within Zones V1 – 30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

(i) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

(e) Prohibit the use of fill for structural support of buildings within Zones V1 – 30, VE, and V on the community's FIRM.

(f) Prohibit manmade alteration of sand dunes within Zones V1 – 30, VE, and V on the community's FIRM which would increase potential flood damage.

(g) All manufactured homes to be placed or substantially improved within Zones V1 – 30, V, and VE on the community's FIRM on sites:

- (i) Outside of a manufactured home park or subdivision;
- (ii) In a new manufactured home park or subdivision;
- (iii) In an expansion to an existing manufactured home park or subdivision; or
- (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall meet the standards of subsections (6)(a) through (f) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1 – 30, V, and VE on the FIRM shall meet the requirements of subsection (2)(c)(ii) of this section.

(h) Recreational vehicles placed on sites within Zones V1 – 30, V, and VE on the community's FIRM either:

- (i) Be on the site for fewer than 180 consecutive days; or
- (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- (iii) Meet the requirements of JCC 15.15.070(1)(a) (Development Permit Required) and subsections (6)(a) through (f) of this section.

(7) Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. [Ord. 7-06 Att. A]

(8) Appurtenant Structures (Detached Garages and Storage Structures). In a Zones (A, AE, A1-30, AH, AO), appurtenant structures used solely for parking of vehicles or storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

- (a) Use of the appurtenant structure must be limited to parking of vehicles or storage;
- (b) The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;

(c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

(d) Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;

(e) The appurtenant structure must comply with floodway encroachment provisions in subsection (4)(a) of this section; and

(f) The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with subsection (2)(a)(ii) of this section.

Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection (1)(b) of this section.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the floodplain administrator for verification.