

ORDINANCE 2018-1051

AN ORDINANCE OF THE CITY OF WAITSBURG, WASHINGTON, AMENDING SECTIONS OF CHAPTER 7A OF TITLE 10 OF THE WAITSBURG MUNICIPAL CODE RELATING TO THE CITY FLOOD HAZARD AREA ORDINANCE

WHEREAS, the Waitsburg City Council has been notified by the Washington State Department of Ecology and the Federal Emergency Management Agency (FEMA) that updates to the City Flood Hazard Area Ordinance are required; and

WHEREAS, the Waitsburg City Council finds and declares that certain updates to the City's Flood Hazard Area Ordinance are needed to remain in compliance with State and Federal regulations;

NOW THEREFORE, the City Council of the City of Waitsburg do ordain as follows:

Chapter 7A of Title 10 of the Waitsburg Municipal Code shall read as follows:

ARTICLE 10.7 - FLOOD HAZARD AREAS

Chapter 10.7A - Flood Zones

Sections:

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10.7A.005. Authority. 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 welfare of its citizenry. This Chapter is adopted pursuant to that delegation.

10.7A.010. Findings of Facts.

A. The flood hazard areas of the City of Waitsburg 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.

B. 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 flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. Temporary Storage Container Placement. Due to the potential damage related to storage or shipping containers during floods, such are allowed to be placed on or near any construction job site temporarily only during the course of construction, and only upon the written authorization from the Administrator.

1. For purposes of this Ordinance, a storage or shipping container is defined as a reusable noncollapsible container of any configuration designed to provide protection for a specific item against impact, vibration, climatic conditions, and the like, during handling, shipment, and storage.
2. The Administrator shall approve the temporary placement of storage or shipping containers only if the following conditions are met:
 - a. Prior to placement, a licensed, professional contractor must request in writing to the Administrator for permission to place such containers temporarily;
 - b. The contractor must provide to the Administrator a copy of his/her license and bond prior to the start of construction or placement;
 - c. The contractor must agree in writing to indemnify the City of Waitsburg from any and all liability or damages resulting from the temporary storage or shipping container placement;
 - d. The contractor must provide to the City of Waitsburg emergency contact information.
2. Prior to placement of the storage or shipping container, the contractor must receive written authorization from the Administrator.
3. The Administrator may place reasonable restrictions on the placement or use of such shipping or storage containers to protect public health, safety, and

- welfare, and to prevent nuisances. Such restrictions shall be in writing.
4. Placement of the storage or shipping containers is intended to be for a temporary period only, and can last no longer than six (6) months under any single grant of permission.
 5. Placement for a duration longer than six (6) months must be requested in writing and approved by the Administrator upon a showing of good cause at the sole discretion of the Administrator;
 6. Any and all storage containers must be removed from the construction site within three (3) days of completion of the construction project;
 7. The Administrator may revoke permission for placement of such shipping or storage containers if the Contractor fails to abide by the reasonable restrictions set forth by the Administrator. In the event of such revocation, the Contractor must remove such containers within three days of receipt of notification. In the event the City cannot contact the contractor, or if such contractor is unable to remove the storage containers within the requisite time period, any and all storage or shipping containers will be moved by the City at the contractor's expense.
 8. In the event of a high water or flooding event, the Contractor is required to move any and all Storage Containers within two (2) hours of notice from an authorized representative of the City of Waitsburg. In the event the City cannot contact the contractor, or if such contractor is unable to remove the storage containers within the requisite time period, any and all storage or shipping containers will be moved by the City at the contractor's expense.

10.7A.020. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood condition in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. 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;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as the minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

10.7A.030. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions 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 flood plains, 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;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

10.7A.040. Definitions. Unless specifically defined herein, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

A. "Appeal" means a request for a review of the Planning Commission's interpretation of any provisions of this Chapter or a request for a variance.

B. "Area of Shallow Flooding" means a designated AO or AH zone on the flood insurance map (FIRM). The base flood depths range from one to three feet; 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 and AH indicates ponding.

C. "Area of Special Flood Hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always include the letters A or V.

D. "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always included the letters A or V.

E. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

F. "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.

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

H. "Development" means 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 operations or storage of equipment or materials located within the area of special flood hazard.

I. “Elevated Building” means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation, walls, shear walls, posts, piers, pilings, or columns.

J. “Existing Manufactured Home Park or Manufactured Home Park Subdivision” means a manufactured home park or a subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to 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.

K. “Expansion of an Existing Manufactured Home Park or Manufactured Home Park Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

L. “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.

M. “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.

N. “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 on the base flood.

O. “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.

P. “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 non-elevation design requirements of this Chapter.

Q. “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.”

R. “Manufactured Home Park or Manufactured Home Park Subdivision” means a parcel

(or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

S. “New Construction” means structures for which the “start of construction” commenced on or after the effective date of this Chapter.

T. “New Manufactured Home Park or Manufactured Home Park 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

U. “Recreation Vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Encompasses 400 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;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

V. “Start of Construction” includes a substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement is within 180 days of the permit date. The actual date means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the state 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.

W. “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

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

Y. "Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent 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 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.

The term does not, however include either:

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."

Z. "Variance" means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

AA. "Water Dependent" means any structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

10.7A.050. Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Waitsburg.

10.7A.060. Basis for Establishing the Areas of Special Flood Hazard. The area of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Waitsburg," dated November 3, 1982, as amended, and "The Flood Insurance Study for Walla Walla County, Washington Unincorporated Areas," dated January 18, 2002, as amended, with the accompanying Flood Insurance Rate Maps (FIRMs), as amended, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Studies are on file at Waitsburg City Hall.

10.7A.070. Violations. 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 civil infraction. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$250.00 per day for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained

shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

A separate violation shall be deemed to exist for each day during which a failure to comply with the requirements of this Chapter shall be allowed to continue.

10.7A.080. Abrogation and Greater Restriction. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10.7A.090. 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.

10.7A.100. 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 man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Waitsburg, 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 thereunder.

10.7A.110. Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this Chapter. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions" and for all other development including fill and other activities, also as set forth in the "Definitions." Application for a development permit shall be made on forms furnished by the City of Waitsburg 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, fills, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been flood proofed;
- C. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in this Chapter;

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

10.7A.115. Application for Development Permit. Permits issued under the provisions of this Chapter shall be processed in accordance with the administrative application procedures set forth in WMC Title 10.A. Application for a development permit shall be made on forms furnished by the City 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:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing criteria in this Chapter has been implemented; and
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

10.7A.120. Designation of the Local Administrator. The Waitsburg City Clerk is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

10.7A.130. Duties and responsibilities of the local administrator. The duties of the Waitsburg City Clerk shall include, but not be limited to:

A. Permit Review

- 1. Review all development permits to determine that the permit requirements of this Chapter have been satisfied;
- 2. 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;
- 3. Review all development permits to determine if the proposed development is located within the floodway. If located within the floodway, assure that the provisions of this Chapter are met and Section 10.7A.230 are met.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with this Chapter, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this Chapter.

C. Information to be Obtained and Maintained.

- 1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or otherwise, 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.

2. For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 10.7A.115

a. Obtain and record the elevation (in relation to mean sea level) to which the structure was flood proofed.

b. Maintain the flood proofing certifications required by this Chapter;

3. Maintain for public inspection all records pertaining to the provisions of this Chapter.

D. Alteration of Watercourses.

1. 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.

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 interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundaries shall be given a reasonable opportunity to appeal the interpretation as provided in Section 10.7A.140 below.

F. The local administrator is authorized to consult with and obtain information and opinions from other federal, state, and local officials as deemed necessary in order to implement and administer this chapter.

10.7A.140. Appeal and Variance Procedure. Appeals of the local administrator's determination shall be processed in accordance with the requirements set forth in Waitsburg Municipal Code Title 10a. Variances from the requirements of this chapter shall follow the procedures set forth in Waitsburg Municipal code Title 10A.05.

A. The City Council as provided by the City of Waitsburg shall hear and decide appeals and requests for variances from the requirements of this Chapter.

B. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this Chapter.

C. Those aggrieved by the decision of the Waitsburg City Council or any taxpayer, may appeal such decision to the Superior Court of Walla Walla County as provided in WMC Title 10A and in RCW Chapter 36.70C.

D. In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter,

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The compatibility of the proposed use with existing and anticipated development;
7. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
8. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. 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 and water systems, and streets and bridges.

E. Upon consideration of the factors and the purposes of this Chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

F. The City Council shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

10.7A.150. Conditions for Variances.

A. Generally, the only condition which a variance from the elevation standard may be issued is for new construction and for substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that 10.7A.140.D.1 through 10.7A.140.D.11 have been fully considered. As the lot size increases the technical justification required for issuing the variances increases.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or a municipal Register of Historic Places, without regard to the procedures set forth in the remainder of this Section.

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

D. Variances shall only be issued upon a determination that the variance is the minimum

necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance which result in exceptional hardship to the applicant; and
3. 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 as identified in this Chapter or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

G. 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 the flood elevations should be quite rare.

H. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except the required elevation and otherwise complies with the other standards of this Chapter.

10.7A.160. Anchoring.

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

B. 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 to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

10.7A.170. Construction Materials and Methods.

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

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

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

flooding.

10.7A.180. Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- C. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Water wells shall be located on high ground that is not in the floodway.

10.7A.190. Subdivision Proposals.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less);
- E. No new lot shall be platted, and no existing lot shall be replatted, unless it can be demonstrated per 10.7A.115 that division and development of the lot(s) will not substantially increase hazardous impacts related to flooding events. All construction must be done in accordance with WMC section 10.7A.210.

10.7A.200. 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 insure that the 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 grade in these zones may result in higher insurance rates.

10.7A.210. Construction — Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in this Chapter, 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 one foot

above 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 flood waters. 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 flood waters.

3. Subgrade crawl spaces are prohibited unless the following conditions are met.

a. The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade.

b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point.

c. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas (refer to FEMA Technical Bulletin 11-01, page 7, Guidance for Pre-Engineered Crawlspace). This limitation is intended to prevent these crawlspaces from being converted into habitable spaces.

d. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.

e. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

f. Below-grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

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

1. Be flood proofed so that below one foot above the base flood level the structure is water tight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this sub-section based on his development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 10.7A.130;
4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 10.7A.210.A.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 proof level (e.g., a building flood proofed to the base flood level will be rated as one foot below).

10.7A.220. Manufactured Homes.

A. All manufactured homes to be placed or substantially improved within Zone A1-A30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This applies to all new or substantially improved manufactured homes.

10.7A.225. Recreation Vehicles.

A. Recreational vehicles placed on sites within Zone A1-30, AH, and AE on the community's FIRM shall either:

1. Be on the site for fewer than 180 consecutive days,;
2. 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
3. Meet the requirements herein and the elevation and anchoring requirements for manufactured homes.

10.7A.230. 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 flood waters which carry debris, potential projectiles and 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 the preceding section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions.

10.7A.235. Encroachments. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

10.7A.240. 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 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 shall apply:

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

B. New construction and substantial improvements of nonresidential structures within AO zones shall either:

1. 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);
2. Together with attendant utility and sanitary facilities, be completely flood proofed 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 Section 10.7A.210.B.3.

C. Require adequate drainage paths around structures on slopes to guide flood waters around and away proposed structures.

D. Recreational vehicles placed on sites within AO zones on the community's FIRM shall either:

1. Be on the site for fewer than 180 consecutive days,;
2. 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

3. Meet the requirements of this Chapter for the elevation and anchoring requirements for manufactured homes.

10.7A.250. 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 floodplan). 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 or more above the level of the base flood elevation (100-year) at the site. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

10.7A.260. Severability. If any provisions of this Chapter, or its application any person or legal entity or circumstances, is held invalid, the remainder of the ordinance or circumstances, shall not be affected.

This Ordinance shall take effect immediately upon passage by the Council and publication as required by law.

Passed by the Waitsburg City Council this 18th day of July 2018.

Approved:

Attest:

Martin Dunn, Mayor

Randy Hinchliffe, City Clerk

Approved as to form:

Jared Hawkins, City Attorney