

ORDINANCE NO. 176
FLOOD DAMAGE PREVENTION ORDINANCE

AN ORDINANCE PROMOTING THE PUBLIC HEALTH, SAFETY AND GENERAL
WELFARE BY MINIMIZING PUBLIC AND PRIVATE LOSSES DUE TO FLOOD
CONDITIONS IN SPECIFIC AREAS

WHEREAS, Pacific County participates in the National Flood Insurance Program (NFIP), a federal program designed to provide flood insurance for those properties located within identified flood hazards;

WHEREAS, participation in the National Flood Insurance Program requires the adoption and enforcement of a flood hazard reduction Ordinance meeting the minimum requirements of the federal NFIP program;

WHEREAS, Chapter 86.16 RCW, Washington Floodplain Management Law has instituted additional requirements above and beyond the National Flood Insurance Program and requires that local jurisdiction adopt regulations consistent with both the Washington Floodplain Management Law and the National Flood Insurance Program;

WHEREAS, the National Flood Insurance Program requires that local participants in the National Flood Insurance Program adopt and implement the more restrictive State requirements;

WHEREAS, the Board of Pacific County Commissioners adopted the 2010 Pacific County Comprehensive Plan on October 26, 2010 following a lengthy update process;

WHEREAS, Pacific County is required to update its existing development regulations to ensure consistency with the 2010 Pacific County Comprehensive Plan;

WHEREAS, Pacific County Ordinance No. 167 was last updated December 20, 2012 to meet current state and federal requirements that were changed or revised since Pacific County Ordinance No. 116A's original adoption date of August 7, 1989;

WHEREAS, Pacific County Ordinance No. 176 implements minimum state and federal regulations and guidelines for the planning, construction, operation and maintenance of any works, structures and/or improvements within the designated floodplain which might, if improperly planned, constructed, operated or maintained, adversely influence the regime of a stream or body of water, or might adversely affect the security of life, health and property against damage by flood water;

WHEREAS, Pacific County Ordinance No. 176 promotes the health, safety and welfare of the general public by establishing minimum standards and review criteria for actions within the floodplain; and

WHEREAS, Pacific County Ordinance No. 167 needs to be rescinded and replaced with a new primary Ordinance No. 176;

NOW, THEREFORE, IN ACCORDANCE WITH CHAPTER 86.16 RCW, IT IS HEREBY ORDAINED BY THE PACIFIC COUNTY BOARD OF COMMISSIONERS THAT ORDINANCE NO. 176 IS ADOPTED AS FOLLOWS:

SECTION 1 - AUTHORITY, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. STATEMENT OF 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 general welfare of its citizenry.

B. FINDINGS OF FACT

1. The flood hazard areas of Pacific County are subject to periodic inundation which could potentially result 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.

C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to 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; and,
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance 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 flood plains, 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 which will unnaturally divert floodwaters or may increase flood hazards in other areas.

SECTION 2 – DEFINITIONS

A. GENERAL

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

1. ADMINISTRATOR. "Administrator" means the Director of the Pacific County Department of Community Development or his or her designee(s). This person is responsible for administering the provisions and requirements of this Ordinance.
2. APPEAL. "Appeal" means a request for a review of the interpretation of any provisions of this ordinance or a request for a variance.
3. AREA OF SHALLOW FLOODING. "Area of shallow flooding" means a designated AO, or AH Zone on the Flood Insurance Rate 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.

4. AREA OF SPECIAL FLOOD HAZARD. "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 includes the letters A or V.
5. BASE FLOOD. "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 includes the letters A or V.
6. BASEMENT. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
7. BREAKAWAY WALL. "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.
8. COASTAL HIGH HAZARD AREA. "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 VE or V.
9. CRITICAL FACILITY. "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, installations which produce, use or store hazardous materials or hazardous waste.
10. DEVELOPMENT. "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.
11. ELEVATION CERTIFICATE. "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.
12. ELEVATED BUILDING. "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, post, piers, pilings, or columns.

13. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. “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.
14. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. “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).
15. FLOOD or FLOODING. “Flood” or “Flooding” means 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.
16. FLOOD INSURANCE RATE MAP (FIRM). “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
17. FLOOD INSURANCE STUDY. “Flood Insurance Study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
18. FLOODWAY. “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.
19. LOWEST FLOOR. “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 ordinance found at Subsection 5.B.1.b.

20. MANUFACTURED HOME. “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.”
21. MANUFACTURED HOME PARK OF SUBDIVISION. “Manufactured home park of subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
22. NEW CONSTRUCTION. “New construction” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.
23. NEW MANUFACTURED HOME PARK OR SUBDIVISION. “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.
24. RECREATIONAL VEHICLE. “Recreational Vehicle” means a vehicle which is:
- a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
25. START OF CONSTRUCTION. “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.

26. STRUCTURE. "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
27. SUBSTANTIAL DAMAGE. "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.
28. SUBSTANTIAL IMPROVEMENT. "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equal or exceeds 50 percent of the market value of the structure either:
 - a. Before the improvement or repair is started; or
 - b. 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 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
 2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
29. VARIANCE. "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
 30. WATER DEPENDENT. "Water dependent" means a 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.

SECTION 3 – GENERAL REQUIREMENTS

A. LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance applies to all areas of special flood hazards within the jurisdiction of Pacific County and excludes all incorporated areas.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Pacific County, Washington and Incorporated Cities" dated, May 18, 2015 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 ordinance. The Flood Insurance Study and the FIRM are on file with the Pacific County Department of Community Development. The best available information for flood hazard area identification as outlined in Subsection 4.D.2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Subsection 4.D.2.

C. ABROGATION AND GREATER RESTRICTIONS

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

D. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

E. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of Pacific County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 4 – ADMINISTRATION

A. ESTABLISHMENT OF DEVELOPMENT PERMIT

1. Development Permit Required

A development permit shall be obtained from Pacific County before construction or development begins within any area of special flood hazard as established in Subsection 3.B. The permit shall be for all structures including manufactured homes, as set forth in the “DEFINITIONS,” and for all development including fill and other activities, also as set forth in the “DEFINITIONS.”

2. Application for Development Permit

Application for a development permit shall be made on forms furnished by the County and shall include, but is not limited to, plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, mining, dredging, grading, paving, excavation, or drilling operations, fill, storage of equipment or materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to NAVD-88, of the lowest floor (including basement) of all structures, both prior to (pre-construction), and once construction is complete (post-construction) but prior to Pacific County issuing a formal Certificate of Occupancy;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect in the State of Washington that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 5.B.2; and
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. Additional information prepared by a registered professional engineer regarding the volumes of fill, amount of floodplain displacement, anchorage of structures or other technical issues not readily apparent at the time of application may be required as the review process proceeds.

B. DESIGNATION OF ADMINISTRATOR

The Director of the Pacific County Department of Community Development shall be the Administrator of this Ordinance and shall be responsible for administering the provisions and requirements of this Ordinance. The Administrator may delegate this responsibility to a designee(s).

C. DELEGATION OF AUTHORITY

The Administrator may develop and implement written administrative rules, which are consistent with and effectuate the purpose of this Ordinance. The Board of Pacific County Commissioners shall approve any administrative rule before it becomes effective.

D. DUTIES & RESPONSIBILITIES OF THE ADMINISTRATOR

1. The duties of the Administrator shall include, but are not limited to:
 - a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Subsection 5.C.1 are met.
 - d. The provisions of this Ordinance shall be administered according to a Type 1 procedure under Ordinance No. 164 or any amendments thereto, unless a different review process is mandated by Ordinance No. 164 or any amendments thereto.

2. Use of other base flood date (in A and V zones).

When base flood elevation data has not been provided (A and V Zones) in accordance with Subsection 3.B, the Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.B, SPECIFIC STANDARDS, and 5.C FLOODWAYS.

3. Information to be obtained and maintained.

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Subsection 4.D.2, obtain and record the actual 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.
- b. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Subsection 4.D.2:
 - i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and

- ii. Maintain the floodproofing certifications required in Subsection 4.A.2.c.
 - c. Maintain for public inspection all records pertaining to the provisions of this ordinance.
- 4. Alteration of watercourses.
 - a. 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 Emergency Management Agency.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- 5. Interpretation of FIRM boundaries.

Make interpretations where needed, as to 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 boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 4.E.

E. APPEALS

- 1. Any decision of the Administrator or his or her designee(s) in the administration of this Ordinance may be appealed according to the provisions of Ordinance No. 164 or any amendments thereto.

F. VARIANCES

- 1. The Administrator shall process variance requests according to a Type II procedure delineated in Ordinance No. 164 or any amendments thereto. The burden of proof shall be on the person requesting the variance to bring forth evidence in support of the variance.
- 2. In reviewing a request for a variance, the Administrator shall consider all technical evaluations, all relevant factors and standards specified in other sections of this ordinance, and the following considerations:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. 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,
 - k. The costs of providing governmental services during and after flood conditions, including, but not limited to, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - l. The potential impacts to water quality and adjacent water bodies.
3. Upon consideration of the provisions of this Section and the purposes of this Ordinance, the Administrator may attach such conditions to the granting of variances as deemed necessary to further the purposes of this ordinance.
 4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
 5. The Administrator may grant a variance if the person requesting the variance demonstrates that the requested variance conforms to all of the criteria set forth below:
 - 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 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 Subsection 4.F.2 has been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

- b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
- c. Variances shall not be issued within a 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:
 - 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; and
 - ii. 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.
- f. 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.
- g. 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 identified in Subsection 4.F, excepting 4.F.5.a, and otherwise complies with Subsections 5.A.1 and 5.A.2.
- h. 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. PENALTIES AND ENFORCEMENT

1. A person who violates the provisions of this Ordinance or who fails to comply with any of its requirements shall be subject to the procedures and sanctions set forth in Ordinance No. 165 or any amendments thereto.
2. In addition to the civil penalty provisions provided in Ordinance No. 165 or any amendments thereto, any person who violates any of the provisions of this Ordinance is guilty of a misdemeanor, and each day or portion thereof during which a violation is committed, continued, or not permitted shall constitute a separate offense. The penalty for each violation is a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both. The principles of liability contained in Chapter 9A.08 RCW, including, but not limited to, liability for conduct of another shall apply to the enforcement of this Ordinance, as shall all judicial interpretations thereof.
3. When a court determines that a person has committed a civil infraction under this Ordinance and Ordinance No. 165, or any amendments thereto, Pacific County may collect penalties, assessments, costs, and/or fines by any procedure established for the collection of debts that are owed to the County.
4. Any disposition of a violation pursuant to this Ordinance and Ordinance No. 165, or any amendments thereto, shall not absolve a person from correcting or abating a violation and shall not prevent the prosecuting authority from pursuing criminal prosecution, other civil action including, but not limited to, injunctive relief, license revocation, and abatement, or all of the above. If Pacific County prevails in a separate civil action, the Court may award the County reasonable costs including, but not limited to, the costs of the responsible officials' time, witness fees, attorney fees, court costs, and the costs to the County of abatement or of enforcement of an injunction, or both.
5. Any or all of the remedies articulated in Subsection 4.G., PENALTIES AND ENFORCEMENT, may be used by the County to enforce this Ordinance. Nothing contained in this Ordinance shall prevent the County, by and through the prosecuting authority, from taking such other lawful action as is necessary to prevent or remedy any violation.

H. STATEMENT OF SEVERABILITY

If any provision, or portion thereof, contained in this Ordinance is held to be unconstitutional, invalid, or unenforceable, said provisions, or portion(s) thereof, shall be deemed severed and the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

I. FEES

All permit fees for the review and issuance of a floodplain development permit shall be set by resolution of the Board of Pacific County Commissioners.

SECTION 5 – PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

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

1. 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 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 not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. CONSTRUCTION MATERIALS AND METHODS

- a. All new construction and substantial improvements shall be constructed with materials and utilities 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.

3. UTILITIES

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- b. All proposed water wells shall be located on high ground that is not in the floodway (WAC 173-160-171).
- c. 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.
- d. On-site sewage disposal systems shall be located to avoid impairment to, or contamination from them, during flooding.

4. SUBDIVISION PROPOSALS

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. 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 5 acres, whichever is less.

5. REVIEW OF BUILDING PERMITS

Where base flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Subsection 4.D.2), applications for building permits shall be reviewed to assure 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 the highest adjacent grade in these zones may result in higher insurance rates.

B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection 3.B or Subsection 4.D.2, the following provisions are required:

1. Residential Construction
 - a. 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.
 - b. 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 in the State of Washington or must meet or exceed the following minimum criteria:
 - i. 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;

- ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c. Additional requirements for below-grade crawlspaces:
- i. The interior grade of a crawlspace below the base flood elevation (BFE) must not be more than two-feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 1;
 - ii. 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 (shown as L in Figure 1) at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas. This limitation will also prevent these crawlspaces from being converted into habitable spaces;

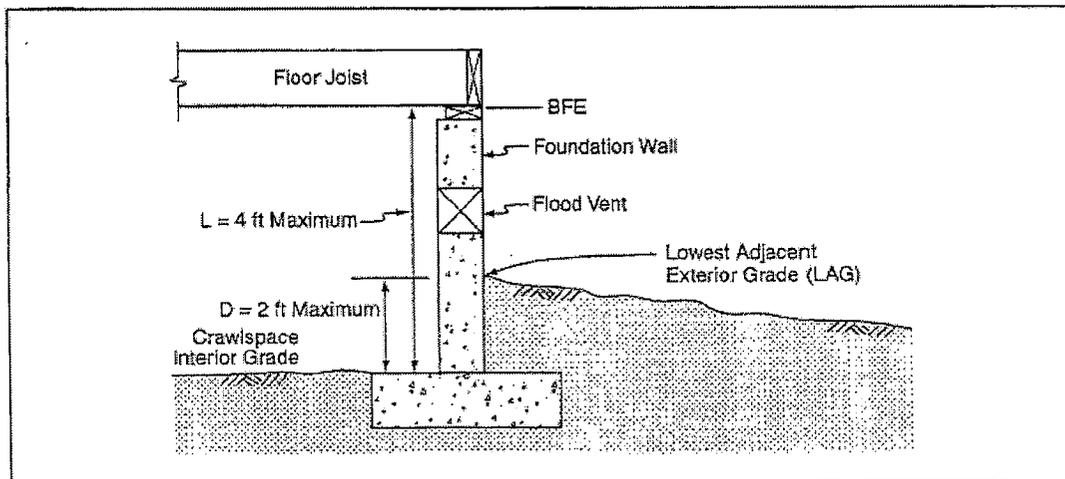


Figure 1

- iii. There must be 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 due to variations in 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;

- iv. 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 foundations should be used;
- v. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters; and
- vi. Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

2. 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:

- a. 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;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect in the State of Washington 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 Administrator as set forth in Section 4.D.3.b;
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.B.1.b; and
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).

3. Manufactured Homes

All manufactured homes to be placed or substantially improved on sites in the floodplain 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 affixed to an adequately designed and anchored foundation system to resist flotation, collapse and lateral movement.

4. Recreational Vehicles

Recreational vehicles placed in the floodplain shall:

- a. Be on the site for fewer than 7 consecutive days;
- b. Be fully licensed and ready for highway use, be on its wheels or jacking system, be attached to the site only by quick disconnect utilities and security devices, and shall have no permanently attached additions; or

C. FLOODWAYS

Located within areas of special flood hazard established in Section 3.B 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:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect in the State of Washington is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (a) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either, (i) before the repair, or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places, shall not be included in the fifty percent determination.
3. If Subsection 5.C.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.

D. 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.

E. 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 high velocity flows may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. 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 grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).
2. New construction and substantial improvements of nonresidential structures within AO Zones shall either:
 - a. 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); or
 - b. 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 in the State of Washington as specified in Subsection 5.B.2.c.
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO Zones shall comply with the standards enumerated in Subsection 5.B.4.

F. COASTAL HIGH HAZARD AREAS (V ZONES)

Coastal High Hazard Areas, which are designated as Zones, VE and/or V on the community's FIRM, are special flood hazard areas as established in Subsection 3.B. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all other applicable provisions in this ordinance, the following provisions shall also apply:

1. All new construction and substantial improvements in Zones and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
 - a. 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
 - b. 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 in the State of Washington 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 Subsection 5.F.1 (a) and (b).

2. A registered professional engineer or licensed land surveyor in the State of Washington shall delineate 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, VE, and V and shall disclose whether or not such structures contain a basement. The Administrator shall maintain a record of all such information as determined by RCW 40.14.070.
3. All new construction within Zones, VE, and V shall be located landward of the reach of mean high tide.

4. Provide that all new construction and substantial improvements within Zones VE, and V have the space below the lowest floor either free of obstruction or constructed with non-supporting 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 in the State of Washington certifies that the design proposed meets the following conditions:
 - a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - b. 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 non-structural). 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 useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

5. Prohibit the use of fill for structural support of buildings within Zones, VE, and V.
6. Prohibit man-made alteration of sand dunes within Zones VE, and V which would increase potential flood damage.
7. All manufactured homes to be placed or substantially improved within Zones VE, and V shall meet the requirements of Subsection 5.F.1 through 5.F.6.
8. Recreational vehicles placed on sites within Zones VE, and V shall meet the requirements of Subsection 5.F.1 through 5.F.6.

G. CRITICAL FACILITY

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area ("SFHA") (one-hundred-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 or more above the level of the base flood elevation (one-hundred-year) at the site. Floodproofing and sealing measures shall 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.

SECTION 6 – EFFECTIVE DATE

Pacific County Ordinance No. 176 is effective as of May 18, 2015. Pacific County Ordinance No. 116, 116A & 116B, 167 are hereby repealed effective May 18, 2015. However, any Land Use application involving development within a Flood Plain that was technically complete on or before the effective date of this Ordinance shall be processed according to the regulations that were in effect when the application became technically complete.

PASSED by the Board of Pacific County Commissioners meeting in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 12th day of May, 2015.

3 AYE; ~~0~~ NAY; ~~0~~ ABSTAIN; ~~0~~ ABSENT

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Steve Rogers
Steve Rogers, Chairman

Lisa Ayers
Lisa Ayers, Commissioner

Frank Wolfe
Frank Wolfe, Commissioner

ATTEST:

Marie Guernsey, Deputy
Marie Guernsey
Clerk of the Board