



3100 Belmont Blvd. Suite 104 West Richland, WA 99353 [www.westrichland.org](http://www.westrichland.org)  
Community Development Department (509) 967-5902

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September 17, 2020

**TO: General Public and Various Government Agencies**  
**FROM: West Richland Community Development Department**  
**SUBJ: Zoning Code Amendment Administrative File No.: AD 2020-09**  
**Notice of Application, Notice of Completeness, Request for Comment, Notice of DNS, and Notice of Public Hearing**

#### **DESCRIPTION OF PROPOSAL**

The City is proposing to adopt an ordinance adopting changes to the West Richland Municipal Code Chapter 18.16 Flood Damage Prevention. The purpose of the amendment is to address comments received by the Department of Ecology and meet Community Assistance Visit requirements.

#### **ENVIRONMENTAL REVIEW**

The proposal is subject to environmental review. The West Richland Community Development Department is the lead agency for the proposal under the State Environmental Policy Act (SEPA) and has reviewed the proposed non-project action for probable adverse environmental impacts and issued a determination of non-significance (DNS) for this proposal on September 17, 2020. Comments on the SEPA DNS are due by **5:00pm, October 1, 2020**.

#### **REQUEST FOR WRITTEN COMMENT & STAFF CONTACT**

You may request information on, and provide written comments regarding the proposed amendments to the West Richland Municipal Code. Send written requests or comments to the Community Development Department at 3100 Belmont Blvd., Suite 104, West Richland, WA 99353. Written comments must be received by **5:00 p.m., September 30, 2020** to be included in the staff report prepared for the Planning Commission. The staff contact for this project is Emily Weimer, Senior Planner, at (509) 967-5902 or [eweimer@westrichland.org](mailto:eweimer@westrichland.org).

#### **NOTICE OF PUBLIC HEARING**

In accordance with West Richland Municipal Code Chapters 17.78, 14.05 and 14.06, public hearings will be held before the West Richland Planning Commission and City Council. A public hearing before the Planning Commission is scheduled for **October 8, 2020 at 6:00pm**. The Planning Commission is expected to render a recommendation thereafter. A public hearing before the City Council is tentatively scheduled for **November 3, 2020 at 6:00pm**. Due to the Governor's "Stay Home Order" and Proclamation 20-28 and extensions thereof regarding open public meetings, the Public Hearing will likely be held via video conferencing. Please go to the City of West Richland website to obtain information on how to participate in the public hearing ([www.westrichland.org](http://www.westrichland.org)). All interested parties are invited to attend and participate in the hearings. At the hearings, comments may be made verbally or in writing.

#### **NOTICE OF DECISION**

The application and other information on file may be examined at the Community Development Department. If you wish to obtain notice of the final decision for the proposed code amendments, you will need to contact the Community Development Department with your name and address.

**Chapter 18.16**  
**FLOOD DAMAGE PREVENTION**

Sections:

- 18.16.010 Findings of fact – Purpose.
- 18.16.020 Methods of reducing flood losses.
- 18.16.030 Definitions.
- 18.16.040 General provisions.
- 18.16.050 Administration.
- 18.16.060 General standards for flood hazard reduction.
- 18.16.070 Specific standards for flood hazard reduction.
- 18.16.080 Floodways.
- 18.16.090 Critical facilities.

Statutory Authorization

The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of West Richland, does ordain as follows:

Commented [FSI(1)]: Recommended addition.

**18.16.010 Findings of fact – Purpose.**

A. The flood hazard areas of the ~~city~~ City of West Richland 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.

Commented [FSI(2)]: Recommended revisions.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard 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. 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 conditions in specific areas by provisions designed:

1. To protect human life and health.
2. To minimize expenditure of public money for 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 to minimize future flood blight areas.
7. To ensure that potential buyers are notified that property is in an area of special flood hazard.
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
9. To maintain community eligibility in the national flood insurance program and disaster relief. [Ord. 7-17 § 1, 2017; Ord. 432 § 1, 1981].

**18.16.020 Methods of reducing flood losses.**

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

- A. Restricting and prohibiting uses-development which ~~are-is~~ 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-development 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 floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters.
- 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 floodwaters or which may increase flood hazards in other areas. [Ord. 7-17 § 1, 2017; Ord. 432 § 1, 1981].

**18.16.030 Definitions.**

Unless specifically defined below, 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.

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

“Appeal” means a request for review of the ~~community development director’s~~floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.

Commented [FSI(3)]: Recommended revision.

“Area of shallow flooding” means a designated AO, ~~or AH,~~ AR/AO or AR/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. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

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

“ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

“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”). ~~Designated on flood insurance rate maps by the letters A or V.~~

“Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

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

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

“Building” see “Structure.”

Commented [FSI(4)]: Recommended addition.

“Building Code” means the currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

Commented [FSI(5)]: Recommended addition.

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

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

“Designated floodway” means the regulatory floodway which has been delineated on the flood insurance rate map (FIRM) or the flood boundary/floodway map (FBFM) of a community’s flood insurance study.

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

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

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

“Essential Facility” has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

Commented [FSI(6)]: Recommended addition.

“Existing mobile/manufactured home park” or “mobile/manufactured home subdivision” means a mobile home park or subdivision for which the construction of facilities for servicing the spaces/lots on which the mobile/manufactured home is to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before May 23, 1981, the effective date of the ordinance codified in this chapter.

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

“Farmhouse” means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

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“Flood” or “flooding” means:

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

~~a~~a. The overflow of inland or tidal water; and/or

~~b~~b. Unusual and rapid accumulation or runoff of surface waters from any source.

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

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

“Flood Elevation Study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

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

~~“Flood insurance study” means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the flood boundary, floodway map and the water surface elevation of the base flood. See “Flood Elevation Study.”~~

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flood or flooding.”

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

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

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“Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate of improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

“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~~ a designated height. Also referred to as “Regulatory Floodway.”

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

“Habitable floor” means any floor usable for living purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

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

“Historic structure” means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

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

- a) By an approved state program as determined by the Secretary of the Interior, or
- b) Directly by the Secretary of the Interior in states without approved programs.

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

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at WRMC 18.16.070(A)(2), (i.e., provided there are adequate flood ventilation openings).

“Mean Sea Level” means, for the purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Mobile home” or “manufactured home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles, recreational park trailers, or travel trailers. Furthermore, a manufactured home is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act. A mobile home is a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state.

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

“New construction” For the purpose of determining insurance rates, means structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after May 23, 1981, the effective date of the ordinance codified in this chapter whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvement to such structures.

“New mobile/manufactured home park or mobile/manufactured home subdivision” means a mobile/manufactured home park or subdivision for which the construction of facilities for servicing the space or lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after May 23, 1981, the effective date of the ordinance codified in this chapter.

“One-hundred-year flood or 100-year flood” see “Base flood”

“Person” means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

“Reasonably Safe from Flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained

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Commented [FSI(10)]: Recommended addition.

by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

“Recreational vehicle” means a vehicle:

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

“Start of construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building and a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.

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

“Substantial improvement” means any ~~repair, reconstruction, rehabilitation, addition, or other~~ improvement of a structure when cost equals/exceeds 50 percent of the market value of the structure, ~~either, before the “start of construction;”~~ of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed.

1. ~~Before the improvement or repair is started.~~
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.~~
3. This term can exclude:
  - a. 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
  - b. Any alteration of a ~~structure listed on the National Register of Historic Places or State Inventory of Historic Places that does not expand the footprint of the structure. Reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places that would expand the footprint of the structure may be considered under the variance provisions of this chapter, “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”~~

“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.

“Water surface elevation” means the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Water dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. [Ord. 7-17 § 1, 2017; Ord. 36-06 § 1, 2006; Ord. 432 § 1, 1981].

#### **18.16.040 General provisions.**

A. Lands to Which This Chapter Applies. This chapter applies to all areas of special flood hazard within ~~city’s~~ the City of West Richland jurisdiction and as an overlay zone shall impose requirements on such areas in addition to those of zoning districts in which such areas are located.

Commented [FSI(11)]: Recommended revision.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “Flood Insurance Study – ~~City-Town~~ of West Richland, Washington,” dated March 30, 1981, and any revisions thereto, with an accompanying flood insurance rate map and flood boundary-floodway map dated September 30, 1981, and any revisions thereto, is hereby adopted by reference and declared to be a part of this chapter. The study and maps are on file ~~in the community development department at 3100 Belmont Boulevard, West Richland, WA 99353~~. For areas within Benton County which are annexed to the city, studies and maps prepared by the Federal Insurance Administration for Benton County shall be utilized to regulate development within any such identified flood hazard areas. The best available information for flood hazard area identification as outlined in Section 18.16.050(C)(2) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 18.16.050(C)(2).

C. Compliance. All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

~~C~~D. Penalty for Noncompliance. No structure or land shall, after the effective date of the ordinance codified in this chapter, be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor as set forth by Chapter 1.16 WRMC. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$xxx or imprisoned for not more than \_\_\_ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city of West Richland from taking such other lawful action as is necessary to prevent or remedy any violation.

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

~~E~~F. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements.
2. Liberally construed in favor of the city.
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

~~F~~G. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood 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~~ City of West Richland, 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. [Ord. 7-17 § 1, 2017; Ord. 36-06 § 1, 2006; Ord. 432 § 1, 1981].

H. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

**18.16.050 Administration.**

A. Establishment of a Flood Hazard Development Permit.

1. Development Permit Required. A flood hazard development permit shall be obtained before construction or development begins within any area of special flood hazard established in WRMC 18.16.040(B). The development permit shall be for all structures, including mobile/manufactured homes, as set forth in WRMC 18.16.030, Definitions, and for all other development, including fill and other activities, also as set forth in the definitions. A development shall be denied, approved or conditionally approved in accordance with the standards of this chapter and may be processed in conjunction with other city development applications (e.g., site plan approval permit, conditional use permit, or planned development permit).

2. Application for a flood hazard development permit shall be made on forms furnished by the community development department and be accompanied by a filing fee set by the city council. The application shall include all information required for any other development application with which it may be filed and include but not be limited to two full-size copies of the site plan, construction drawings and elevations, plus a reproducible site plan no larger than 11 inches by 17 inches. The site plan shall be drawn to scale and show the nature, location, dimensions, and elevations of the property and area in question, existing and proposed structures, fences or walls, fill or grading, storage of materials, drainage facilities, and any other information deemed necessary by the city to determine compliance with this chapter. Specifically, the following specific information is required:

- a. Proposed Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures; recorded on a current elevation certificate (FF 81-31) with Section B completed by the ~~local~~official Floodplain Administrator.
- b. Proposed Elevation in relation to mean sea level to which any structure ~~has been~~will be floodproofed.
- c. Certification by a registered professional engineer in the state that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in WRMC 18.16.070.
- d. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
- f. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

B. Designation of the ~~Local~~Floodplain Administrator. The community development director or designee shall administer and implement this chapter by granting or denying development permit applications in accordance with provisions of this chapter. The ~~director~~Floodplain Administrator may require substantiation that conditions of approval and standards of this chapter have been met and required certifications provided and, if not forthcoming, may revoke the development permit and require that development discontinue, the structure be vacated, and violations be corrected at property owner's expense. When the first floor of a residential structure is required to be elevated as provided in WRMC 18.16.070, the ~~director~~Floodplain Administrator shall require that applicant submit a statement from a professional surveyor indicating elevation to which first floor was actually constructed.

C. Duties and Responsibilities of the ~~Director~~Floodplain Administrator. Duties of the community development director or his/her designee shall include, but not be limited to:

1. Permit Review.

- a. Review all developments to determine if the development proposed is in the floodway; if located in the floodway, assure that the encroachment provisions of WRMC 18.16.080 are met.
- b. Review all developments to determine that the permit requirements of this chapter have been satisfied.
- c. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local agencies from which prior approval is required.
- d. Review all development permits to determine that the site is reasonable safe from flooding.
- e. Notify FEMA when annexations occur in the Special Flood Hazard Area.

2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with WRMC 18.16.040(B), Basis for Establishing the Areas of Special Flood Hazard, the ~~director~~Floodplain 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 WRMC 18.16.070 and 18.16.080.

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 (C)(2) of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official.
- b. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (C)(2) of this section:
  - i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed.
  - ii. Maintain the floodproofing certifications required in subsection (A)(2)(c) of this section.
- c. Maintain for public inspection all records pertaining to the provisions of this chapter.
  - d. Certification required by Section 18.16.080(A) (floodway encroachments)
  - e. Records of all variance actions, including justification for their issuance.
  - f. Improvement and damage calculations.

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 Insurance ~~Administration~~Administrator through appropriate notification means.
- 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 the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and the actual field conditions). The person contesting the location of the boundary shall be

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given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

D. Variance Procedure.

1. Board of Adjustment.

- a. The board of adjustment shall hear and decide 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 ~~director~~ Floodplain Administrator in the enforcement or administration of this chapter.
- c. Those aggrieved by the decision of the board of adjustment on a variance application may appeal such decision to the city council. The decision of the city council is final unless, within 20 days from the date of the action, an aggrieved party or persons obtains a writ of certiorari from the superior court in and for Benton County, for the purpose of review of the action taken.
- d. In reviewing variance applications, the board of adjustment shall consider all technical evaluations, relevant factors, and standards specified in this chapter, and:
  - i. The danger that materials may be swept onto other lands to the injury of others.
  - ii. The danger to life and property due to flooding or erosion damage.
  - iii. The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - iv. The importance of the services provided by the proposed facility to the community.
  - v. The necessity to the facility of a waterfront location, where applicable.
  - vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
  - vii. The compatibility of the proposed use with existing and proposed development.
  - viii. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area.
  - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site.
  - xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- e. Upon consideration of these factors and the purposes of this chapter, the board of adjustment may approve, deny, or attach conditions to the granting of variances as deemed necessary to further the purposes of this chapter.
- f. The city shall maintain records of all appeal actions, including technical information, and report variances to the Federal Insurance Administration upon request.

2. Conditions for Variances.

- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on an existing small (one-half acre or less) lot contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the factors in this subsection D have been fully considered. As lot size increases beyond one-half acre, technical justification required for issuing a 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. If the improvements to the historic structure do not expand the footprint of the structure, they can be exempted from the definition of "substantial improvement" and the variance procedure (see definition of "substantial improvement").
- 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:
  - i. A showing of good and sufficient cause.
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (D)(1)(d) of this section, or conflict with existing local laws or ordinances.
  - iv. A showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 18.16.0.30 of this ordinance in the definition of "Functionally Dependent Use."
- 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 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, and otherwise complies with WRMC 18.16.060(A), (C) and (D) (general standards).
- h. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
  - i. the issuance of a variance to construct a structure will be permitted to be built with a lowest-floor elevation below the base flood elevation and that the will result in increased cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation with premium rates as high as \$25 for \$100 of insurance coverage, and
  - ii. Such construction below the BFE increases risks to life and property.
- i. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

Commented [FSI(13)]: Recommended addition.

Commented [FSI(14)]: Recommended additions.

j. The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.

–[Ord. 7-17 § 1, 2017; Ord. 36-06 § 1, 2006; Ord. 432 § 1, 1981].

**18.16.060 General standards for flood hazard reduction.**

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

A. Anchoring.

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
2. All mobile/manufactured homes shall be anchored to resist flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:
  - a. Over-the-top ties shall be provided at each of the four corners of the mobile/manufactured home, with two additional ties per side at intermediate locations, with mobile/manufactured homes less than 50 feet long requiring only one additional tie per side;
  - b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
  - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
  - d. Any additions to the mobile/manufactured home shall be similarly anchored.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

C. Utilities.

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

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. 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 development which contain at least 50 lots or five acres (whichever is less).

E. Review of Building Permits. Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source (WRMC 18.16.050(C)(2)), applications for building permits floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates. [Ord. 7-17 § 1, 2017; Ord. 36-06 § 1, 2006; Ord. 432 § 1, 1981].

F. Changes to Special Flood Hazard Area

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

2. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

G. Storage of Materials and Equipment

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

**18.16.070 Specific standards for flood hazard reduction.**

In all areas of special flood hazard where base flood elevation data have been provided as set forth in WRMC 18.16.040(B), Basis for Establishing the Areas of Special Flood Hazard, or in WRMC 18.16.050(C)(2), Use of Other Base Flood Data, the following standards are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure, including mobile and manufactured homes, shall have the lowest floor, including the basement, elevated to at least one foot above base flood elevation. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if used solely for parking access or storage, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

Commented [FSI(15)]: Recommended addition.

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Commented [FSI(16)]: Recommended addition.

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters. (Note: Foundation vent standards required by the IBC/IRC outside the floodplain do not meet this standard.)

~~d. A garage attached to a residential structure constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.~~

~~3. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A.~~

4. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall meet the requirements of subsection 1 or 2 below:

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

~~New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.~~

~~b. If located in an AO zone, the structure shall meet the requirements in Appendix A.~~

c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

~~d. If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Appendix B.~~

e. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if used solely for parking access or storage, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
- ii) The bottom of all openings shall be no higher than one foot above grade.
- iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- iv) A garage attached to a structure, constructed with the garage floor slab below the BFE,

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Commented [EM17]: Not applicable here. Not a zone.

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Commented [EM18]: We don't have AO zones

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Commented [EM19]: We don't have these zones. Not recommended.

must be designed to allow for the automatic entry and exit of flood waters.

2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

4a. Be dry floodproofed, so that below one foot or more above base flood level the structure is watertight, with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater.

2b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3c. 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 provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in WRMC 18.16.050(C)(3).

4d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section.

#### C. Manufactured/Mobile Homes.

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

#### D. Recreational vehicles, park trailers or travel trailers placed on sites are required to:

1. Be on the site for fewer than 180 consecutive days; and
2. Be fully licensed and ready for highway use, on wheels or jacking system, attached to site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or [Ord. 7-17 § 1, 2017; Ord. 36-06 § 1, 2006; Ord. 432 § 1, 1981].
3. Meet the requirements of Section 18.16.070(C).

E. Enclosed Area Below the Lowest Floor. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

#### F. Appurtenant Structures (Detached Garages & Small Storage Structures)

For A Zones (A, AE, A1-30, AH, AO):

1) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

- a) Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
- b) The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
- c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

Commented [FSI(20)]: Recommended addition.

- d) Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;
  - e) The appurtenant structure must comply with floodway encroachment provisions in Section 18.16.080(A);
  - f) The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 18.16.070(A)(2)
  - g) The structure shall have low damage potential.
  - h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and
  - i) The structure shall not be used for human habitation.
- 2) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 18.16.070(A).
- 3) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

**18.16.075 AE and A1-30 Zones with Base Flood Elevations but No Floodways.**

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

Commented [EM21]: We don't have these areas. Not recommended.

**18.16.080 Floodways.**

Located within areas of special flood hazard established in WRMC 18.16.040(B) are areas designated as floodways. Since the floodway is an extremely hazardous area, due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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: (1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (2) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (a) before the repair or reconstruction is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

C. If subsection A of this section is satisfied all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of WRMC 18.16.060 through 18.16.090. [Ord. 7-17 § 1, 2017; Ord. 36-06 § 1, 2006; Ord. 432 § 1, 1981].

D. Replacement of Farmhouses in Floodway. Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

- a) The new farmhouse is a replacement for an existing farmhouse on the same farm site;
- b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
- c) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
- d) A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
- e) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
- f) For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
- g) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
- h) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
- i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

E. Substantially Damaged Residences in Floodway

- a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).
- b) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
  - i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
  - ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
  - iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
  - iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

- v) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
- vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
- vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

**18.16.085 General Requirements for Other Development.**

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any City of West Richland amendments, shall:

- 1) Be located and constructed to minimize flood damage;
- 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
- 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- 4) Be constructed of flood damage-resistant materials;
- 5) Meet the flood opening requirements of Section 18.16.070(A)(2), and
- 6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Commented [FSI(22)]: Recommended addition.

**18.16.090 Critical facilities.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. The ~~director~~ Floodplain Administrator may also require access routes to be elevated one foot above the base flood elevation, where vehicle access to the critical facility would likely be needed during a flood event. The construction or filling for such access roads is subject to the standards of this chapter. [Ord. 7-17 § 1, 2017; Ord. 36-06 § 1, 2006].

**18.16.095 Livestock Sanctuary Areas.**

Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

Commented [FSI(23)]: Recommended addition unless the City does not allow livestock.

**APPENDIX A**

**STANDARDS FOR SHALLOW FLOODING**  
**AREAS (AO ZONES)**  
**(44 CFR 60.3(c)7, 8 and 11)**

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above\* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
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 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 5.2-2(3).
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 on the community's FIRM either:
  - a) Be on the site for fewer than 180 consecutive days, or
  - b) 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
  - c) Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2)).

Commented [FSI(24)]: Recommended addition.

Commented [EM25R24]: We don't have these zones. Not recommended.



**CITY OF WEST RICHLAND  
DETERMINATION OF NON-SIGNIFICANCE**

**File Number:** ER 2020-15 (AD 2020-09)

**Applicant:** City of West Richland

**Location of Proposal:** Citywide

**Description of Proposal:** Amendments to WRMC Chapter 18.16 Flood Damage Prevention. The City of West Richland staff is proposing to adopt an ordinance adopting changes to the West Richland Municipal Code 18.16 Floodplain Prevention to address comments received by Department of Ecology and meet Community Assistance Visit requirements.

**Lead Agency:** West Richland Community Development Department

**Responsible Official:** Eric Mendenhall  
City of West Richland Community Development Department  
3100 Belmont Blvd., Suite 104  
West Richland, WA 99353  
Phone: (509) 967-5902

**Findings:** The City finds that the non-project action will not result in adverse impacts to the environment. No mitigation measures are required.

**Threshold Determination:**

The lead agency for this proposal has determined that this proposal will not have a probable significant adverse impact on the environment that cannot be mitigated through compliance with the conditions of the West Richland Municipal Code and other applicable regulations. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impacts of this proposal. This information is available to the public upon request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance. You may submit comments on this proposal to the address below before 5:00 PM, **October 1, 2020.**

**Staff Contact:** For information on this proposal, contact Eric Mendenhall, Community Development Manager, at (509) 967-5902 or emendenhall@westrichland.org.

**Date:** 9/17/2020

**Signature:** 

**Appeal:**

Any agency or person may appeal the lead agency's environmental determination as set forth in WRMC 18.04.260. Appeals of this decision will be accepted until 5:00pm, **October 1, 2020**.



## SEPA ENVIRONMENTAL CHECKLIST

### **Purpose of checklist:**

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### **Instructions for applicants:**

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### **Instructions for Lead Agencies:**

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### **Use of checklist for nonproject proposals:**

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## **A. Background**

1. Name of proposed project, if applicable:

Amendment to West Richland Municipal Code Chapter 18.16 Flood Damage Prevention (File #AD 2020-09). *This is a non-project action.*

2. Name of applicant:

City of West Richland, Community Development Department

3. Address and phone number of applicant and contact person:

C/O Eric Mendenhall, Community Development Manager  
(509)967-5902  
3100 Belmont Blvd.  
West Richland, WA 99353

4. Date checklist prepared:

9/17/2020

5. Agency requesting checklist:

City of West Richland

6. Proposed timing or schedule (including phasing, if applicable):

Following review by the Planning Commission in October, the ordinance is anticipated to be considered for final action by the City Council in November 2020.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

None.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known.

10. List any government approvals or permits that will be needed for your proposal, if known.

City of West Richland City Council Approval and adoption of an Ordinance. There is also a 60-day review period with the Department of Commerce (expedited review is being requested to shorten the time period).

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Washington State Department of Ecology has some required and suggested code amendments to the City of West Richland's Floodplain Prevention chapter as a result of the Community Assistance Visit. Therefore, the City is proposing to adopt an ordinance amending several sections of the West Richland Municipal Code in Chapter 18.16 to address these requirements and suggestions.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you

are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.  
City-wide, these changes only impact non-residential zoning districts.

## **B. Environmental Elements**

Section B is excluded from this checklist, since this proposal is for a non-project action.

## **C. Signature**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  \_\_\_\_\_  
Name of signee Eric Mendenhall \_\_\_\_\_  
Position and Agency/Organization Community Development Manager \_\_\_\_\_  
Date Submitted: 9/17/2020 \_\_\_\_\_

## **D. Supplemental sheet for nonproject actions**

**(IT IS NOT NECESSARY to use this sheet for project actions)**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?  
Changing the floodplain prevention regulations in West Richland is not anticipated to lead to *increased* discharges to water, emissions to air, etc., The intent of this updated code will be to prevent and protect waters and existing development.

Proposed measures to avoid or reduce such increases are:

None proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Changing the floodplain regulations in West Richland as proposed is not anticipated to negatively affect plants, animals, fish or marine life. The changes under this proposal will not change any aspects of the city's protection of these items under the Critical Areas Ordinance.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:  
None proposed.

3. How would the proposal be likely to deplete energy or natural resources?

Changing the floodplain prevention regulations in West Richland as proposed is not anticipated to deplete energy or natural resources. However, the code change may facilitate that additional uses be established in the city as compared to what is currently allowed, and development of additional related uses and businesses could contribute to increased use of energy and natural resources, which is dependent on the use.

Proposed measures to protect or conserve energy and natural resources are:  
None proposed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal does not have any likely affect as building applications are reviewed for compliance with the city's critical areas ordinance.

Proposed measures to protect such resources or to avoid or reduce impacts are:  
None proposed.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will not affect shoreline land use as it is intended to enhance floodplain and shoreline protection regulations. Any proposed use or development within shoreline jurisdiction is subject to the City's Shoreline Master Program.

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal will not have any influence on demands for transportation, public services or utilities.

Proposed measures to reduce or respond to such demand(s) are:

None proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed code update addresses and resolves inconsistencies with federal guidelines and state requirements.