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2 **ORDINANCE NO. 172 -24**

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4 **AN ORDINANCE AMENDING RCWC CHAPTER 86.16 AND WAHAKIAKUM COUNTY**  
5 **ORDINANCES 162-16, 164-17, 108-89, 109-89, AND 142-06, UPDATING THE WAHAKIAKUM**  
6 **COUNTY FLOOD CONTROL ORDINANCE**

7 **WHEREAS**, Wahkiakum County's flood control plans are intended to be reflected in the  
8 Revised Code of Wahkiakum County at chapter 86.16; and

9 **WHEREAS**, RCWC chapter 86.16 was last amended in 2006, and has never been  
10 comprehensively updated; and

11 **WHEREAS**, many changes in federal and state requirements for flood control and local flood  
12 control regulations have occurred in the last eighteen years; and

13 **WHEREAS**, the Wahkiakum County Building and Planning Department, working with the  
14 Department of Ecology, has created a new version of the Wahkiakum County Flood Control Ordinance  
15 that complies with state and federal law as it has changed in the last two decades; and

16 **WHEREAS**, it is in the interests of Wahkiakum County and its citizens to maintain compliance  
17 with law;

18 **NOW THEREFORE BE IT HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS**  
19 **OF THE COUNTY OF WAHAKIAKUM AS FOLLOWS:**

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1. RCWC Chapter 86.16 is hereby amended to read as reflected in Appendix A, which is attached hereto and incorporated herein as though fully set out.
  2. This Ordinance shall take effect on January 1, 2025.

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DULY PASSED AND ADOPTED this 23 day of December, 2024.

**BOARD OF COUNTY COMMISSIONERS  
OF WAHKIAKUM COUNTY, WASHINGTON**

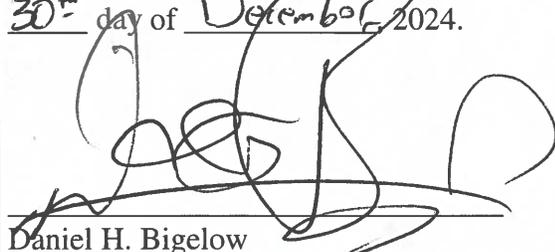
**ATTEST:**

  
Elizabeth Johnson  
Clerk of the Board

  
Eugene Strong, Chairman

**APPROVED AS TO FORM** this  
30<sup>th</sup> day of December, 2024.

  
Lee Tischer, Commissioner

  
Daniel H. Bigelow  
Prosecuting Attorney

  
Daniel L. Cothren, Commissioner

## Appendix A

(Ord. No. 162-16, §§ I—IV, 8-26-16)

**Chapter 86.16 FLOOD DAMAGE PREVENTION**

Sections:

STATUTORY AUTHORIZATION—FINDINGS OF FACT—PURPOSE

GENERAL PROVISIONS

ADMINISTRATION

PROVISIONS FOR FLOOD HAZARD REDUCTION

VALIDITY

***STATUTORY AUTHORIZATION—FINDINGS OF FACT—PURPOSE***

[86.16.101 STATUTORY AUTHORIZATION.](#)

[86.16.102 FINDINGS OF FACT.](#)

[86.16.103 STATEMENT OF PURPOSE.](#)

[86.16.104 METHODS OF REDUCING FLOOD LOSSES.](#)

**86.16.101 STATUTORY AUTHORIZATION.**

The Legislature of the State of Washington has by virtue of RCW 36.32.120(7) delegated the responsibility to counties to adopt regulations designed to promote the public health, safety and general welfare of their citizenry. Additionally, Chapter 86.16 of the Revised Code of Washington recognizes the authority of counties to enact ordinances relating to floodplain management.

(Ord. 109-89 § 1.1)

**86.16.102 FINDINGS OF FACT.**

- A. The flood hazard areas of Wahkiakum County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax based, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(Ord. 109-89 § 1.2)

### **86.16.103 STATEMENT OF PURPOSE.**

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

- A. To protect human life and health;
- B. To minimize expenditures of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- I. To fully implement floodplain management requirements of the Federal Emergency Management Agency to qualify existing and proposed homes and businesses for participation in the regular national flood insurance program.

(Ord. 109-89 § 1.3)

### **86.16.104 METHODS OF REDUCING FLOOD LOSSES.**

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

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

(Ord. 109-89 § 1.4)

## **GENERAL PROVISIONS**

### 86.16.200 DEFINITIONS.

#### 86.16.301 LANDS TO WHICH THIS CHAPTER APPLIES.

#### 86.16.302 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

#### 86.16.303 PENALTIES FOR NONCOMPLIANCE.

#### 86.16.304 ABROGATION AND GREATER RESTRICTIONS.

#### 86.16.305 INTERPRETATION.

#### 86.16.306 WARNING AND DISCLAIMER OF LIABILITY.

### **86.16.200 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.

"Accessory structure" means any structure whose use is supplemental to the primary land use or structure, including but not limited to utility pads, pumphouses, santi-cans, storage sheds, etc.

"Administrator" means the Wahkiakum County Public Works Director or his/her designee.

"Alteration of structure" 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 a review of the administrator's interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). AO zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding and is shown with standard base flood elevations.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater change of flooding in any given year. Designation on maps always includes the letters A or V. Commonly referred to as the "one hundred year flood" or "base flood" area.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "one hundred year flood"). Designated on flood insurance rate maps by the letters A or V.

"Base flood elevation" means the elevation to which floodwater is anticipated to rise during the base flood.

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

"Best available information" means in the absence of official flood insurance rate map data, communities can use data from federal, state or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

"Board" means Board of County Commissioners of Wahkiakum County.

"Breakaway wall" means a wall that is not part of the structural support of the building and is

intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

"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 wastes.

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

"Designation floodway" means the regulatory floodway which has been delineated on the flood insurance rate map (FIRM) or the flood boundary/floodway maps (FBFM) of a community's flood insurance study and is included in this chapter.

"Development" means any human-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.

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

"Elevation certificate" means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

"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.

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

"Flood damage potential" means the potential for damage to development located within the flood control zone from floodwaters or debris contained within floodwaters and/or the damage caused by the displacement of development located within the floodplain.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map (FBFM), and the water surface elevation of the base flood.

"Flood" or "flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land area from:
  - a. The overflow of inland or tidal waters; and/or
  - b. The unusual and rapid accumulation of runoff of surface waters from any source.
  - c. 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 Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"Flood 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 or 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. 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.

"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 Thirty Thousand Dollars directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of "substantial damage" or as a result of a "cumulative substantial damage" (more information can be found in FEMA ICC Manual 301).

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design

requirements of this chapter found at Section 86.16.502(A)(2) (i.e., provided there are adequate flood ventilation openings).

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

"Mean sea level" means for 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.

"New construction" means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map {February 1, 2006} or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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

"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.

"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. Designated to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" means and includes substantial improvement, and means the date any permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty 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 foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Subdivision" means a division of land into four or more lots, tracts, parcels, sites or divisions where any one of the lots, tracts, parcels, sites or divisions is less than five acres in size and shall include all re-subdivisions of land. The term shall also include all short subdivisions, as defined by County ordinance.

"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 fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alternation of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Time computation," for the purposes of this chapter, means the time within which an act is to be done shall be computed by excluding the first day, and including the last, unless the last day is a legal holiday as defined in RCW 1.16.050 or Sunday, and then it is also excluded.

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

"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. 142-06 § 1: Ord. 109-89 § 2)

#### **86.16.301 LANDS TO WHICH THIS CHAPTER APPLIES.**

This chapter shall apply to all areas of special flood hazards within the unincorporated areas of Wahkiakum County, Washington.

(Ord. 109-89 § 3.1)

#### **86.16.302 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Preliminary Flood Insurance Study (FIS)" dated September 28, 1990, together with flood insurance rate maps (FIRM) dated September 28, 1990, and "The Revised to Reflect LOMR" Effective June 23, 2017, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and maps are on file at the Public Works Department, Building Section, located at 64 Main Street, Cathlamet, Washington 98612. The best available information for flood hazard area identification as outlined in Section 86.16.403(B) – Use of Other Base Flood Data shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under 86.16.403(B).

(Ord. 142-06 § 2: Ord. 109-89 § 3.2)

#### **86.16.303 PENALTIES FOR NONCOMPLIANCE.**

- A. The prosecuting attorney shall bring such injunctive, declaratory or other actions as are necessary to insure compliance with this chapter.

- B. Any person who fails to comply with any provision of this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Civil penalties shall be assessed in writing by the Administrator. Each violation or each day of noncompliance shall constitute a separate violation.
- C. The civil penalty provided for in this section shall be imposed by a notice in writing either by certified mail with return receipt requested or by personal service, to the person incurring the same. The notice shall describe the violation with reasonable particularity and shall order the acts constituting the violation or violations to cease and desist or, in appropriate cases, may require necessary corrective action to be taken within a specific and reasonable time.
- D. Any civil penalty imposed pursuant to this section shall be subject to review by the Board of County Commissioners as provided in Section 18.16.405.

(Ord. 109-89 § 3.3)

#### **86.16.304 ABROGATION AND GREATER RESTRICTIONS.**

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

(Ord. 109-89 § 3.4)

#### **86.16.305 INTERPRETATION.**

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

- A. Considered as minimum requirements; and
- B. Deemed neither to limit nor repeal any other powers granted under State Statutes.

(Ord. 109-89 § 3.5)

#### **86.16.306 WARNING AND DISCLAIMER OF LIABILITY.**

The degrees 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 human-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Wahkiakum County, any officer or employee thereof, or the Federal Insurance Administration, for any floor damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. Enforcement of this chapter shall not be construed to be for the particular benefit of any individual person or group of persons other than the general public. Nothing in this chapter shall be construed to impose any legal duty, directly or indirectly, upon the County of Wahkiakum or any of its officials, employees or contractors, to protect the individual persons or property in individual circumstances. In the event of a conflict between the intent of this subsection and any other section or subsection of this chapter, this subsection shall govern insofar as applicable.

#### **86.16.307 Compliance**

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

(Ord. 109-89 § 3.6)

## **ADMINISTRATION**

### 86.16.401 ESTABLISHMENT OF DEVELOPMENT PERMIT.

### 86.16.402 DESIGNATION OF ADMINISTRATOR.

### 86.16.403 DUTIES AND RESPONSIBILITIES OF ADMINISTRATOR.

### 86.16.404 VARIANCES.

### 86.16.405 APPEALS.

#### **86.16.401 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

- A. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 86.16.302 of this chapter. The permit shall be for all structures including manufactured homes, as set forth in Section 86.16.200, "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions." A development permit will be issued as required by law. In cases where the structure is exempt from either a building or shorelines permit, a development permit may be included within the shorelines exemption letter if used. Permit fees shall be charged as periodically established by resolution of the Board of County Commissioners.
- B. Application for Development Permit. Application for a permit shall be made on forms furnished by the Public Works Department. Applicants may be required to submit a scale drawing showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information may be required:
1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator;
  2. Elevation in relation to mean sea level to which any structure has been floodproofed;
  3. Certification by registered professional engineer or architect, unless exempted by the Administrator, that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 86.16.502(B);
  4. Description of the extent to which a watercourse will be altered as a result of proposed development.
  5. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
  6. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

(Ord. 142-06 § 3; Ord. 109-89 § 4.1)

#### **86.16.402 DESIGNATION OF ADMINISTRATOR.**

The Public Works Director is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

(Ord. 109-89 § 4.2)

## **86.16.403 DUTIES AND RESPONSIBILITIES OF ADMINISTRATOR.**

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

### **A. Permit Review.**

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained or are being applied for from those Federal, State or local governmental agencies from which prior approval is required. The County's review shall not be determinative as to whether such other State or Federal or local permits are required. The final responsibility for making such determination as to the necessity for other permits is with the permit applicant.
3. Review all development permits to determine if proposed development is located in the floodway. If located in the floodway, assure that the provisions of Section 86.16.503 are met.
4. The site is reasonably safe from flooding.
5. Notify FEMA when annexations occur in the Special Flood Hazard Area.

### **B. Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 86.16.302, basis for establishing the areas of special flood hazard, the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway date available from a Federal, State or other source, in order to administer Sections 86.16.502, specific standards, and 86.16.503, floodways.

### **C. Information to be Obtained and Maintained.**

1. Where base flood elevation data is provided through the flood insurance study or required as in subsection C of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 86.16.302:
  - a. Verify and record the actual elevation to which the structure was floodproofed (in relation to mean sea level); and
  - b. Maintain the floodproofing certifications required in Section 86.16.101(B)(3).
3. Maintain for public inspection all records pertaining to the provisions of this chapter.
4. Certification required by Section 6.16.503(A) (Floodway Encroachments)
5. Records of all variance actions, including justification for their issuance.
6. Improvement and damage calculations.

### **D. Alteration of Watercourses.**

1. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

### **E. Interpretation of FIRM Boundaries.** Make interpretations where needed, as to 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

Section 86.16.404. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

(Ord. 109-89 § 4.3)

#### **86.16.404 VARIANCES.**

##### **A. Procedure.**

1. The Administrator may consider applications for variances from the requirements of this chapter, subject to the provisions of this section. An application for a variance shall be made upon forms provided by the Public Works Department.
2. In passing upon any applications for variance, the Administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and:
  - 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 available 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 floodplain 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 maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
3. Upon consideration of the factors of subdivision 2 of this subsection and the purposes of this chapter, the Administrator may attach such conditions to the granting of variances as he/she deems necessary to further the purposes of this chapter.
4. The administrator shall report any variances to the Federal Insurance Administration upon request.

##### **B. Conditions for Variances.**

1. 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 items a through k of subsection A(2) of this section have been considered. As the lot size increases the technical justification required for issuing the variance increases.
2. 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.

3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
  - c. 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 A(2) of this section, or conflict with existing local laws or ordinances.
6. 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.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection B(1) of this section and otherwise complies with Section 86.16.501(A) and (B) of the general standards.
8. 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.

(Ord. 109-89 § 4.4)

#### **86.16.405 APPEALS.**

- A. A person aggrieved by the issuance or denial of a development permit or variance or by the imposition of a civil penalty may appeal such action to the Board of County Commissioners. Any such appeal shall be in writing and must be filed with the Board within fourteen days of the transmittal of the Administrator's decision to the applicant. The appeal shall specify the reasons therefor. The Administrator shall provide the Board with the findings and documentation relating to the decision being appealed.
- B. The Board, following a de novo hearing, shall affirm, modify or reverse the Administrator's decision. The appellant carries the burden of proof on appeal. The Board shall reach a decision on the appeal within twenty-one days following the filing of the appeal unless the appellant consents to an extension of time. The Board's decision shall be in writing and shall contain findings of fact and shall be filed with the Clerk of the Board and a copy thereof shall be transmitted to the appellant.
- C. The decision of the Board shall be final and conclusive unless within fourteen days from the date of transmittal the original applicant or an adverse party files an appeal to the Superior Court for Wahkiakum County for a writ of certiorari, a writ of prohibition, or a writ of mandamus. The filing of such an appeal within such time limit shall stay the effective date of the order of the Board until such time as the appeal shall have been adjudicated or withdrawn. Concurrently with filing such notice of appeal, the aggrieved party shall serve a copy thereof on the Clerk of the Board.
- D. Any appeal hereunder which is transmitted through the United States Mail shall be deemed filed and received by the County on the date shown by the Post Office cancellation mark stamped upon the

envelope or other appropriate wrapper containing it.

(Ord. 109-89 § 4.5)

**PROVISIONS FOR FLOOD HAZARD REDUCTION**

86.16.501 GENERAL STANDARDS.

86.16.502 SPECIFIC STANDARDS.

86.16.503 FLOODWAYS.

86.16.504 STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES).

86.16.510 DRAINAGE EASEMENTS.

**86.16.501 GENERAL STANDARDS.**

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

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

B. Construction Materials and Methods.

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

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
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 discharges from the systems into floodwaters.
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 or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage. Where drainage facilities are required, construction, maintenance, and drainage easements shall be required pursuant to RCWC 86.16.510.

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 developments which contain at least fifty lots or five acres (whichever is less).
- E. Review of Building Permits/Shoreline Permits. Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source (Section 86.16.403(B)), applications for building permits/shoreline permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(Ord. 142-06 §§ 4—6; Ord. 109-89 § 5.1)

(Ord. No. 164-17, § I, 3-16-17)

## 86.16.502 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 86.16.302, basis for establishing areas of special flood hazard, or Section 86.16.403(B), use of other base flood data, the following provisions are required:

### A. Residential Construction.

1. 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 residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE). Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

Note: Minimum FEMA standards require the lowest floor to be elevated "to or above" the BFE; however, adding an additional foot of freeboard increases safety and can reduce insurance premiums by as much as thirty (30) percent. Adopting additional freeboard is strongly encouraged by FEMA.

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

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 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.

Note: Foundation vent standards required by the IBC/IRC outside the floodplain do not meet this standard and are often inadvertently permitted. Insurance rates reflect an "all or nothing" standard, meaning, partially ventilated crawlspaces may be subject to an additional loading fee of twenty to twenty-five percent attached to the annual insurance premium.

3. NFIP Requirements for All Crawlspace Construction. Crawlspaces are commonly used as a method of elevating buildings in SFHAs to or above the BFE. General NFIP requirements that apply to all crawlspaces that have enclosed areas or floors below the BFE shall be following:

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings discussed in the next subsection. Because of hydrodynamic loads, crawlspace construction is not recommended in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- b. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade. For guidance on flood openings, see FEMA Technical Bulletin 1-93, Openings in Foundation Walls.
- c. Crawlspace construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones.
- d. Portions of the building below the BFE must be constructed with materials resistant to flood

damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE. Insulation is not a flood-resistant material. When insulation becomes saturated with floodwater, the additional weight often pulls it away from the joists and flooring. Ductwork or other utility systems located below the insulation may also pull away from their supports. See the section (Flood-Resistant Materials) on page 8 of FEMA Technical Bulletin No. FEMA 467-1. For more detailed guidance on flood-resistant materials, see Technical Bulletin 2-93, Flood-Resistant Materials Requirements.

- e. 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. For further guidance on the placement of building utility systems in crawlspaces, see FEMA 348, Protecting Building Utilities from Flood Damage.
  - f. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG).
  - g. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas (see the section (Guidance for Pre-Engineered Crawlspaces) on page 7 of the FEMA Technical Bulletin No. FEMA 467-1). This limitation will also prevent these crawlspaces from being converted into habitable spaces.
  - h. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.
  - i. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.
4. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A.
  5. 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, elevate one foot or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Section 86.16.502(A), or:
1. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  3. Be certified 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 Section 86.16.403(C)(2). The certification shall be by a registered professional engineer or architect unless exempted by the Administrator.

4. Nonresidential structures that are elevated, but not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section.
5. 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 constructed to one foot above the base flood level will be rated as at the base flood level).

C. **Critical Facility.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to insure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible.

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

E. **Detached Accessory Structures (Detached garages and small storage structures).**

A. Detached accessory 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:

1. In special flood hazard areas other than coastal high hazard areas (Zones A, AE, AH, AO, and A1-30), the structure is not larger than a one-story two-car garage.
2. In coastal high hazard areas (Zones V, VE, V1 30, and VO), the structure is not larger than 100 sq. ft. in area.
3. The portions of the structure located below the BFE must be built using flood resistant materials.
4. The structure must be adequately anchored to prevent flotation, collapse, and lateral movement.
5. Any machinery or equipment servicing the structure must be elevated or floodproofed to or above the BFE.
6. The structure must comply with floodway encroachment provisions in Section 86.16.503(A) – No Rise Standard.
7. The structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 86.16.502(A)(2).
8. The structure shall have low damage potential.
9. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and
10. The structure shall not be used for human habitation.

B. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 86.16.502(A) – Residential Construction.

- C. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

#### **86.16.503 Agricultural Structures Damaged by Flooding**

Agricultural structures that are substantially damaged by flooding and agricultural structures that are repetitive loss structures are permitted to be repaired or restored to pre-damage condition, provided the following are satisfied:

- A. If substantially damaged, the substantial damage determination is based only on the cost to repair damage caused by flooding to pre-damage conditions.
- B. The proposed repair or restoration does not change the size of the structure and does not significantly alter the nature of the building. With the exception of costs associated with wet floodproofing in accordance with paragraph (E) below, proposals that include work beyond or in addition to that necessary to repair or restore the structure to pre-damage condition must be regulated as substantial improvements.
- C. The repaired or restored structure will continue to be an agricultural structure, as defined in these regulations.
- D. Owners are notified, in writing, that agricultural structures approved under this section:
  - 1. Will not be eligible for disaster relief under any program administered by the Federal Emergency Management Agency or any other Federal agency.
  - 2. Will have National Flood Insurance Program flood insurance policies rated based on the structure's risk.
  - 3. May be denied National Flood Insurance Program flood insurance policies if repairs do not include the wet floodproofing construction requirements of paragraph (E) below.
- E. Wet floodproofing construction requirements. When owners elect to wet floodproof flood-damaged agricultural structures as part of repair or restoration to pre-damage condition, the structure shall:
  - 1. Be anchored to resist flotation, collapse, and lateral movement.
  - 2. Have flood damage-resistant materials below the base flood elevation.
  - 3. Have mechanical, electrical, and utility equipment elevated or floodproofed to or above the BFE.

In special flood hazard areas other than coastal high hazard areas, have flood openings in compliance with the requirements of Section 86.16.502(A)(2). Accessory Structures.

- 1. Accessory structures shall not be used for human habitation.
  - 2. Accessory structures shall be designed to have low flood damage potential.
  - 3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwater.
  - 4. Accessory structures shall be firmly anchored to prevent flotation that may result in damage to other structures.
  - 5. Service facilities such as electrical and heating equipment shall be elevated above the regulatory flood elevation or floodproofed to prevent damage by floodwater.
- F. Bridges, Culverts and Docks.
- 1. All bridges shall be designed and constructed to provide for the passage of regulatory

floodflows. The total design of the bridge, its road approaches and associated utilities and bank stabilization shall allow for floodflows to pass under or around the bridge structure without resulting in significant damming of the stream. Plans may be submitted to the Public Works Director for review.

2. The minimum floodway width shall be maintained. When center support piles are necessary, the structure shall be designed to withstand floodwater velocities with debris hangup and shall not result in increased flood depth or velocities.
  3. Culverts shall be sized to adequately pass regulatory flood flows. The culverts and road shall allow floodwaters to pass through, over or around the road without causing significant damming of the stream. Plans may be submitted to the Public Works Director for review.
  4. Docks, piles and bridge abutments shall be designed to withstand regulatory floodflows and the additional hydrologic pressures associated with debris hangup on the structure during a flood.
- G. Recreational Vehicles. Recreational vehicles placed on sites are required to either:
1. Be on the site for fewer than one hundred eighty consecutive days; and
  2. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  3. Meet the requirements of subsection D of this section and the elevation and anchoring requirements for manufactured homes.
- H. Enclosed Areas Below the Lowest Flood. 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.

(Ord. 142-06 §§ 7—9; Ord. 109-89 § 5.2)

#### **86.16.503 Livestock Sanctuary Areas**

Elevated areas 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.

#### **86.16.504 FLOODWAYS.**

Located within areas of special flood hazard established in Section 86.16.302 of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, potential projectiles, and increase erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which

does not exceed fifty 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 fifty percent.

- C. If subsections A and B of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article (Provisions for Flood Hazard Reduction).
- D. The cumulative effect of any proposed development, when 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. This subsection is applicable when base flood elevations have been provided but floodways have not.
- E. AE and A1-30 Zones with Base Flood Elevations but No Floodways. In areas with BFEs (when 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.

(Ord. 142-06 § 10: Ord. 109-89 § 5.3)

#### **86.16.505 STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES).**

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

- A. New construction and substantial improvements of residential structures 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).
- B. New construction and substantial improvements of nonresidential structures within AO zones shall either:
  - 1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  - 2. 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.
- C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(Ord. 109-89 § 5.4)

#### **86.16.506 DRAINAGE EASEMENTS.**

Drainage easements shall be required where a plat, subdivision, short subdivision, development or redevelopment is traversed by a drainageway, channel or stream, or new subdivision creates a parallel that would require drainage to be suitable for all purposes. The following conditions shall apply to all

easements:

- A. A stormwater easement or drainage right-of-way shall conform substantially with the lines of any existing drainageway, channel or stream, or where a parcel without direct access to drainage is created.
- B. Measures shall be taken to prevent down-gradient impacts as a result of new development or redevelopment where no conveyance system exists at the adjacent down-gradient property line or stream, and the discharge was previously unconcentrated flow or significantly lower concentrated flow.
- C. Easements may not be obstructed by structures, including fences, or filled.
- D. Easements shall be of a width for construction, or maintenance, or both, as will be adequate for the purpose. Width must be able to convey the 100-year, 24-hour storm and shall be no less than twenty (20) feet wide. Parallel streets or parkways may be required in connection therewith.
- E. The cost of repairs, maintenance, removing structures or other drainage impediments shall be the responsibility of the landowner. Easement terms will allow for Wahkiakum County or any diking, drainage, flood control or other similar district or zone within the borders of which the property may lie to perform maintenance and repairs on said stormwater management facility or facilities at the expense of the landowner should the Grantor neglect to do so. For the purpose of inspection, maintenance, and repair, the easement must ensure access from public right-of-way to stormwater facilities and drainageways.
- F. Easements shall be approved by the Planning Division of the Wahkiakum County Public Works Department prior to approval of a final plat and shall be recorded with Wahkiakum County and on all property deeds.

(Ord. No. 164-17, § II, 3-16-17)

#### **VALIDITY**

[86.16.601 SEVERABILITY.](#)

[86.16.602 EFFECTIVE DATE.](#)

[86.16.603 CITATION.](#)

[86.16.604 ENFORCEMENT OF REPEALED PROVISIONS.](#)

#### **86.16.601 SEVERABILITY.**

Should any section, clause or provision of this chapter be declared invalid, the same shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared invalid.

(Ord. 109-89 § 6.1)

#### **86.16.602 EFFECTIVE DATE.**

The ordinance codified in this chapter shall be in full force and effect from and after the 31<sup>st</sup> day of December 2024.

(Ord. 109-89 § 6.2)

#### **86.16.603 CITATION.**

This chapter may be referred to as the "Wahkiakum County Flood Damage Prevention Ordinance."

(Ord. 109-89 § 6.4)

**86.16.604 ENFORCEMENT OF REPEALED PROVISIONS.**

Wahkiakum County Resolution 13-74 is repealed; provided, however, that any enforcement actions pending thereunder shall not be abated or affected.

(Ord. 109-89 § 6.5)