

WMC CHAPTER 14.70: SPECIAL FLOOD HAZARD AREAS

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14.70.010 PURPOSE AND APPLICABILITY.

The purpose of this chapter is to protect the public health, safety and welfare in those areas subject to periodic inundation due to flooding, and to minimize losses due to flood conditions in the specific areas subject to this chapter by utilizing the methods and provisions set forth herein. The regulations set forth herein shall apply to all development in special flood hazard areas as defined in this title within the Town of Woodway.

14.70.020 INTENT.

This chapter restricts uses and regulates structures to those that are consistent with the degree of flood hazard. The intent of this chapter is:

- A. To minimize loss of life and property by restricting uses and regulating development in special flood hazard areas;
- B. To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of the flood plain;
- C. To meet the minimum requirement of the national flood insurance program; and

D. To implement state and federal flood protection programs.

14.70.030 NATIONAL FLOOD INSURANCE PROGRAM.

This chapter incorporates the minimum flood plain management standards and regulations of the National Flood Insurance Program (NFIP). The enactment of this chapter is a necessary prerequisite for the Town's eligibility in the NFIP.

14.70.040 SPECIAL FLOOD HAZARD AREAS ESTABLISHED.

- A. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "the Flood Insurance Study (FIS) for Snohomish County, Washington, and Incorporated Areas," dated June 19, 2020, with accompanying Flood Insurance Rate Maps (FIRMs) dated June 19, 2020, are adopted herein by reference and declared to be a part of this chapter and are hereby established as special flood hazard areas for the purposes of this chapter. The FIS and FIRMs are on file at the Woodway Town Hall at 23920 113th Place W, Woodway, Washington 98020.
- B. When base flood elevation for A and V zones has not been provided under subsection A of this section, the best available information for flood hazard area identification described in WMC 14.70.075(C) shall be the basis for regulation in those zones.

14.70.050 IDENTIFICATION ON OFFICIAL ZONING MAPS.

In order to assist the public in identifying those properties within special flood hazard areas, the geographic extent of the areas shall generally be depicted upon the Town's official zoning map. Said depiction shall be provided for informational purposes only.

14.70.060 EXISTING EASEMENTS, COVENANTS, AND DEED 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.

14.70.070 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The director is designated as the floodplain administrator and shall administer, implement, and enforce this chapter by granting or denying flood hazard permits under WMC Chapter 14.71 consistent with applicable regulations. The floodplain administrator may delegate authority to implement WMC Chapter 14.71 and this chapter.

14.70.075 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties of the floodplain administrator shall include:

- A. Review all permits for development regulated by this chapter to determine that:
 - 1. The requirements of WMC Chapter 14.71 and this chapter have been satisfied;
 - 2. All other required state and federal permits have been obtained;
 - 3. The proposed development is not located in the floodway. If the development is located in the floodway, assure the provisions of WMC 14.70.230(A)(2) are met;
 - 4. The proposed development is reasonably safe from flooding.
- B. Notify FEMA when annexations occur in the special flood hazard area.
- C. When base flood elevation has not been provided in A or V Zones under WMC 14.70.040, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source to administer WMC 14.70.120, 14.70.220, and 14.70.230.

D. Obtain and maintain the following information:

1. Where base flood elevation is provided through the FIS, FIRM, or based on information obtained under 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 the structure contains a basement.
2. In V and VE zones, documentation of the bottom of the lowest horizontal structural member.
3. For all new or substantially-improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or based on information obtained under subsection C of this section:
 - a. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - b. Maintain the floodproofing certifications required in WMC 14.70.130.
4. Certifications required by WMC 14.70.230(A)(2).
5. Records of all decisions regarding flood hazard area variances under WMC Chapter 14.50.
6. Improvement and damage calculations for residential and nonresidential structures located in the special flood hazard area.
7. Maintain for public inspection all records pertaining to the provisions of WMC Chapter 14.71 and this chapter which include:
 - a. floodproofing certificates;
 - b. information on the elevation of the lowest floor for all new or substantially improved structures;
 - c. whether new or substantially improved structures contain a basement; and
 - d. whether new or substantially improved structures are floodproofed and the elevation to which they are floodproofed.

E. Whenever a riverine watercourse is to be altered or relocated:

1. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a riverine watercourse, and submit evidence of such notification to the Federal Insurance Administrator; and
2. Assure that the flood carrying capacity of the altered or relocated portion of said riverine watercourse is maintained.

14.70.100 FLOODPROOFING: USE OF AVAILABLE DATA.

- A. In all special flood hazard areas where base flood elevation data has been provided in accordance with WMC 14.70.040, or where the Town can reasonably utilize base flood elevation data available from federal, state, or other sources, the specific flood hazard protection standards of WMC 14.70.120 and WMC 14.70.230 shall be required.
- B. In all special flood hazard areas where base flood elevation data has not been provided, the Town shall review all development proposals in accordance with WMC 14.70.110 general standards and WMC 14.70.120 specific standards and shall require compliance with the standards of said sections as necessary to assure that development will be reasonably safe from flooding. The test of reasonableness shall include use of historic data, high water marks, photographs of past flooding, etc., where available. New construction and substantial improvement of any residential or nonresidential structure in an Unnumbered A

zone for which a base flood elevation is not available shall have the lowest floor, including basement, elevated a minimum of two feet above the highest adjacent grade.

- C. In areas where base flood elevation data has been provided, when a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within AE zoned areas on the applicable FIRM, unless the applicant demonstrates 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 jurisdiction of the Town.

14.70.110 FLOODPROOFING: GENERAL STANDARDS.

The following regulations shall apply in all special flood hazard areas.

A. Anchoring.

1. All new construction and substantial improvements, including those related to mobile 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 homes shall be anchored to resist flotation, collapse, or lateral movement. Anchoring methods may include use of over-the-top or frame ties to ground anchors.

B. Construction materials and methods.

1. All new construction and substantial improvements shall use materials and utility equipment resistant to flood damage;
2. All new construction and substantial improvements shall use methods and practices that minimize flood damage; and
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and 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 flood waters into the system;
2. Except as otherwise provided in this subsection, water wells are prohibited in the floodway and shall be located where not subject to ponding.
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- D. Enclosed area below the lowest floor. If structures or mobile 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.

E. Subdivision proposals. All subdivision and short subdivision proposals shall:

1. Be consistent with the need to minimize flood damage;
2. Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage or eliminate flood damage;

3. Have adequate drainage provided to reduce exposure to flood damage; and
 4. Include the base flood elevation data.
- F. Watercourse alterations. The flood carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the director shall notify adjacent communities and the State Department of Ecology, and submit evidence of such notification to FEMA of the proposed development.

14.70.120 FLOODPROOFING: SPECIFIC STANDARDS.

In all special flood hazard areas where base elevation data has been provided as set forth in WMC 14.70.100, the following regulations shall apply, in addition to the general regulations of WMC 14.70.110:

- A. All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are permanently affixed to a structure and which may be subject to floodwater damage shall be elevated a minimum of one foot above the base flood elevation or higher (unless within an approved watertight structure).
- B. Residential construction.
1. In AE and A1-30 zones or other A zoned areas, where the base flood elevation has been determined, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated at least one foot above base flood elevation.
 2. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in WMC 14.70.290.
 3. New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in WMC 14.70.295.
 4. 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 the interior and exterior lowest grades;
 - c. Openings may be equipped with screens, louvers, or other coverings or devices only if they permit the automatic entry and exit of floodwaters; and
 - d. A garage attached to a residential structure, that is constructed with the garage floor slab below the base flood elevation, shall be designed to allow the automatic entry and exit of floodwaters.
- C. Nonresidential construction. New construction and substantial improvements of nonresidential structures shall comply with either subsection (C)(1) or (C)(2) of this section:
1. Be elevated consistent with the following standards:
 - a. In AE or unnumbered A zoned areas where the base flood elevation has been determined, structures shall have the lowest floor, including basement, elevated one

foot or more above the base flood elevation, 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 base flood elevation, or as required by ASCE 24, whichever is greater.

- b. In AO zones, structures shall meet the requirements of WMC 14.70.290.
 - c. In V or VE zones, structures shall meet the requirements of WMC 14.70.290.
 - d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and they comply with WMC 14.70.110(D). 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. 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; and
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. Be dry floodproofed so that below one foot or more above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater. The following standards also apply:
- a. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - b. The structure shall be certified by a registered professional engineer or architect that the design and methods of construction meet accepted standards of practice and satisfy the provisions of subsection (C)(2) of this section based on their development or review of the structural design, specifications, and plans. The certifications shall be provided to the director pursuant to WMC 14.70.130.
- D. Mobile homes.
- 1. All mobile homes that are placed or substantially improved in special flood hazard areas shall be elevated on a permanent foundation and shall be securely anchored to an adequately anchored foundation system in accordance with WMC 14.70.110(A)(2) to resist flotation, collapse and lateral movement, and shall have the lowest floor elevated a minimum of one foot above the base flood elevation.
- E. Critical facilities as defined in WMC 14.08.082 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 ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.
- F. When fill is permitted to be used as an elevation/floodproofing technique, it shall be designed and installed so that it is properly compacted, sloped, and armored to resist potential flood velocities, scouring, and erosion during flooding.
- G. Flood hazard permits issued for wet floodproofing of any structure or for elevated structures having enclosures below the elevated structure that are wet floodproofed shall be subject to a standard permit condition prohibiting human habitation. The conditions shall be recorded on title on a form approved by the Town Administrator.

14.70.125 GENERAL REQUIREMENTS FOR ALL CRAWLSPACE CONSTRUCTION.

- A. Crawlspace may be used to elevate a building in a special flood hazard area to or above the standards specified in WMC 14.70.120 if the space is designed to meet the following National Flood Insurance Program requirements, which apply to all crawlspaces that have enclosed areas or floors below the base flood elevation:
1. 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 subsection (A)(2) of this section. Crawlspace construction is not recommended in areas where flood velocities exceed five feet per second, unless the design is reviewed and certified by a registered architect or professional engineer.
 2. The crawlspace is an enclosed area below the base flood elevation 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 interior and exterior grade. Crawlspace construction is not permitted in FEMA coastal high hazard area designated V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones.
 3. Portions of the building below the base flood elevation 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 base flood elevations. The recommended construction practice is to elevate the bottom of joists and all insulation above base flood elevation. 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.
 4. Any building utility systems including ductwork within the crawlspace must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork must either be placed one foot above the base flood elevation or sealed from floodwaters.

14.70.130 ELEVATION AND FLOODPROOFING CERTIFICATION.

Certification shall be provided to verify that the minimum floodproofing and elevation standards of WMC 17.70.110 and 14.70.120 flood hazard protection standards have been satisfied. Certification shall be required only for the new construction or substantial improvement of any residential, commercial, industrial, or non-residential structure located in a special flood hazard area. A completed current FEMA elevation certificate shall be required in accordance with National Flood Insurance Program regulations and standards.

14.70.140 CERTIFICATION FORM.

The form of the elevation and floodproofing certificate shall be specified by the department and shall be consistent with that required by FEMA for the administration of the national flood insurance program.

14.70.150 INFORMATION TO BE OBTAINED.

Surveyed existing ground elevations of the four corners of the proposed development shall be submitted with the plan review application. The elevation or floodproofing certificates shall verify the following flood hazard protection information:

- A. Surveyed existing ground elevations of the four corners of the proposed development; and
- B. The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; and
- C. The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially improved floodproofed structures, and that the floodproofing measures utilized below the base flood elevation render the structure watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

14.70.160 CERTIFICATION RESPONSIBILITY.

The project proponent shall be responsible for providing required certification data to the department prior to the applicable construction inspections specified in the certification form. All elevation data specified in WMC 14.70.150 must be obtained and certified by a registered professional land surveyor. Other floodproofing data specified in WMC 14.70.150 must be obtained and certified by a registered professional engineer or architect. The elevation and floodproofing certification shall be permanently maintained by the director.

14.70.200 FLOODWAY FRINGE AREAS: PERMITTED USES.

The following uses are permitted in the floodway fringe areas:

- A. Any use permitted by the applicable zone in accordance with WMC Title 14 when in compliance with all applicable provisions established in this chapter unless prohibited by WMC 14.70.210.
- B. Utility transmission lines. Utility transmission lines shall be permitted when consistent with WMC Chapter 14.16 and where not otherwise inconsistent with this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway fringe or special flood hazard area en route to another destination, as opposed to serving customers within a floodway fringe or special flood hazard area, such transmission line shall conform to the following:
 - 1. Electric transmission lines shall cross floodway fringe and special flood hazard areas by the most direct route feasible. When support towers must be located within floodway fringe or special flood hazard areas, they shall be placed to avoid high flood water velocity and/or depth areas, and shall be adequately flood proofed.
 - 2. Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained within the floodway fringe or special flood hazard area to the maximum extent of potential channel migration as determined by hydrologic analyses. All such hydrologic analyses shall conform to requirements of WMC 14.70.265.
 - 3. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing

natural and artificial drainage features. Burial depth shall be a minimum of six feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with Snohomish County soils.

4. All buried utility transmission lines shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.
 5. Above ground utility transmission lines not including electric transmission lines shall only be allowed for the transportation of non-hazardous materials. In such cases, applicants must demonstrate that line placement will have no appreciable effect upon flood depth, velocity, or passage. Such lines shall be adequately protected from flood damage.
 6. Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in floodway fringe or special flood hazard areas except where no other alternative is available or in the event a floodway fringe or special flood hazard location is environmentally preferable. In such instances, above ground structures shall be located so that no appreciable effect upon flood depth, velocity or passage is created, and shall be adequately flood proofed.
- C. Critical facilities. Construction of new critical facilities shall be allowed only if no feasible alternative site is available outside of the flood hazard area.

14.70.210 FLOODWAY FRINGE AREAS: PROHIBITED USES.

New mobile home parks shall be prohibited in floodway fringe areas.

14.70.220 FLOODWAYS: PERMITTED USES.

The following uses are allowed in the floodway when permitted by the applicable zone under WMC 14, provided the use is in compliance with the applicable general and specific floodproofing standards of WMC 14.70.110 and 14.70.120, and other applicable provisions of this chapter:

- A. Agriculture;
- B. Forestry, including processing of forest products with portable equipment;
- C. Preserves and reservations;
- D. Park and recreational activities;
- E. Removal of rock, sand and gravel, when the applicant can provide clear and convincing evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of the Town's shoreline management program;
- F. Utility transmission lines when allowed in underlying zones unless otherwise prohibited by this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway en route to another destination, as opposed to serving customers within a floodway, such transmission lines shall conform to the following:
 1. All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;
 2. Electric transmission lines shall span the floodway with support towers located in flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive

- width, support towers shall be located to avoid high flood water velocity and/or depth areas, and shall be adequately floodproofed;
3. Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum established scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. In the event potential channel migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also govern placement. All hydrologic analyses are subject to acceptance by the county, shall assume the conditions of a 100-year frequency flood as verified by the U.S. Army Corps of Engineers, and shall include on-site investigations and consideration of historical meander characteristics in addition to other pertinent facts and data. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the Town's Shoreline Master Program;
 4. Buried utility transmission lines transporting non-hazardous materials including water and sewage shall be buried a minimum of four feet below the maximum established scour of the waterway as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. All hydrologic analyses shall conform to requirements in subsection (F)(3) of this section. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the Town's Shoreline Master Program;
 5. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features. Burial depth shall be a minimum of six feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with county soils. Burial depth in all other agricultural and non-agricultural floodway areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage;
 6. All buried utility transmission lines shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;
 7. Above ground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of non-hazardous materials where an existing or new bridge or other structure is available and capable of supporting the line. When located on existing or new bridges or other structures with elevations below the level of the 100-year flood, the transmission line shall be placed on the down-stream side and protected from flood debris. In such instances, site specific conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such above ground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at the waterway crossing, burial specifications shall be determined as in subsection (F)(4) of this section;

8. All floodway crossings by utility transmission lines transporting hazardous materials shall be equipped with valves capable of blocking flow within the pipeline in the event of leakage or rupture. All floodway crossings shall have valves unless otherwise indicated by standard engineering review of the site and type of transmission line as acceptable to the county with locations determined by other provisions of this chapter;
 9. Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in the floodway; and
 10. Where a floodway has not been determined by preliminary Corps of Engineers' investigations or official designation, a floodway shall be defined by qualified engineering work by the applicant on the basis of a verified 100-year flood event.
- G. Repairs, replacement, or relocation of substantially damaged residences in the floodway, are subject to the following:
1. When residences are substantially damaged in the floodway, the director may make a written request to the Department of Ecology under RCW 86.16.041(4) to 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 floodplain administrator authority to permit repair, replacement, or relocation of the substantially damaged structure. The property owner shall submit any information necessary to complete the assessment to the Town and the Department of Ecology. Without a favorable recommendation from the Department of Ecology for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed under WAC 173-158-076(1).
 2. Before the repair, replacement, or relocation is started, all applicable requirements of the National Flood Insurance Program, chapter 86.16 RCW, WMC Chapter 14.71, and this chapter must be satisfied. In addition, the following conditions must be met:
 - a. There is no potential building location for the replacement residential structure on the same property outside the regulatory floodway;
 - b. The replacement residential structure is equivalent in use and size to the substantially damaged residential structure;
 - c. The structure being repaired, replaced, or reconstructed was legally constructed;
 - d. Repairs, reconstruction, or replacement do not result in an increase of the total square footage of floodway encroachment;
 - e. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the base flood elevation;
 - f. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system;
 - g. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
 - h. All other utilities and connections to public utilities are elevated a minimum of one foot above the base flood elevation and are designed, constructed, and located to eliminate or minimize flood damage.

- H. Repair, reconstruction, or improvement of residential structures, where repair, reconstruction, or improvement of a structure does not increase the ground floor area, and is not a substantial improvement.
- I. Water-dependent utilities and other installations which by their very nature must be in the floodway. Examples of such uses are: Dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices. The applicant shall supply convincing evidence that a floodway location is necessary in view of the objectives of the proposal and that the proposal is consistent with other provisions of this chapter and the town shoreline management program. In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing.

14.70.230 FLOODWAYS: PROHIBITED USES.

- A. The following uses/development are prohibited in the floodway:
 - 1. Any structure, including mobile homes designed for, or to be used for, human habitation of a permanent nature.
 - 2. All encroachments, including fill, new construction, 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 will not result in any increase in flood levels during the occurrence of the base flood discharge.
 - 3. The construction or storage of any object subject to flotation or movement during flood level periods;
 - 4. The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway are specifically prohibited:
 - a. The filling of marshlands;
 - b. Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials;
 - c. Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge; and
 - d. Critical facilities as defined in this title.
- B. The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

14.70.240 CONTINUATION OF NONCONFORMING USES AND STRUCTURES.

Any nonconforming use or nonconforming structure may be continued subject to the provisions of this chapter. The provisions of WMC 14.70.310 through 14.70.340 shall be applied in place of other provisions in chapter WMC 14.52 relating to nonconforming uses and structures.

14.70.250 NONCONFORMING USES.

Nonconforming uses shall not be expanded and may be changed only to other uses which are allowed by this chapter; except that nonsubstantial improvements to the structural portions of nonconforming uses are allowed as provided in WMC 14.70.330(A).

14.70.260 DISCONTINUANCE.

If the nonconforming use is discontinued for a period of 12 consecutive months or more, the nonconforming status of the use is terminated and any future use of the land or structures shall be in conformity with the provisions of this chapter. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use.

14.70.270 RESTORATION.

- A. Nothing in this shall be deemed to prohibit the restoration of the structural portions of a nonconforming use located outside a designated floodway within six months from the date of its accidental damage by fire, explosion, natural disaster, or act of public enemy; provided that the applicable elevation and/or floodproofing requirements of this title shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed 75 percent of the market value; provided further that restoration of nonresidential structures in the floodway shall be allowed when the applicable provisions of WMC 14.70.220 and 14.70.230 are met.
- A. Construction or reconstruction of the structural portions of a nonconforming use pursuant to this section in a special flood hazard area, whether new construction, substantial or nonsubstantial improvements, shall be subject to all applicable provisions of this chapter and WMC Chapter 14.71.

14.70.280 NONCONFORMING STRUCTURES.

- A. Nonconforming structures may be structurally altered or enlarged and nonconforming structures accidentally damaged or destroyed by fire, explosion, act of God, or act of public enemy may be reconstructed; provided that the degree of nonconformance shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed when proposed construction is a substantial improvement provided further that, construction in the floodway (nonsubstantial and substantial improvements) shall be subject to the limitations of WMC 14.70.220 and 14.70.230.
- B. Nonconforming structures that are also the structural portions of a nonconforming use shall also be subject to the provisions of WMC 14.70.330.

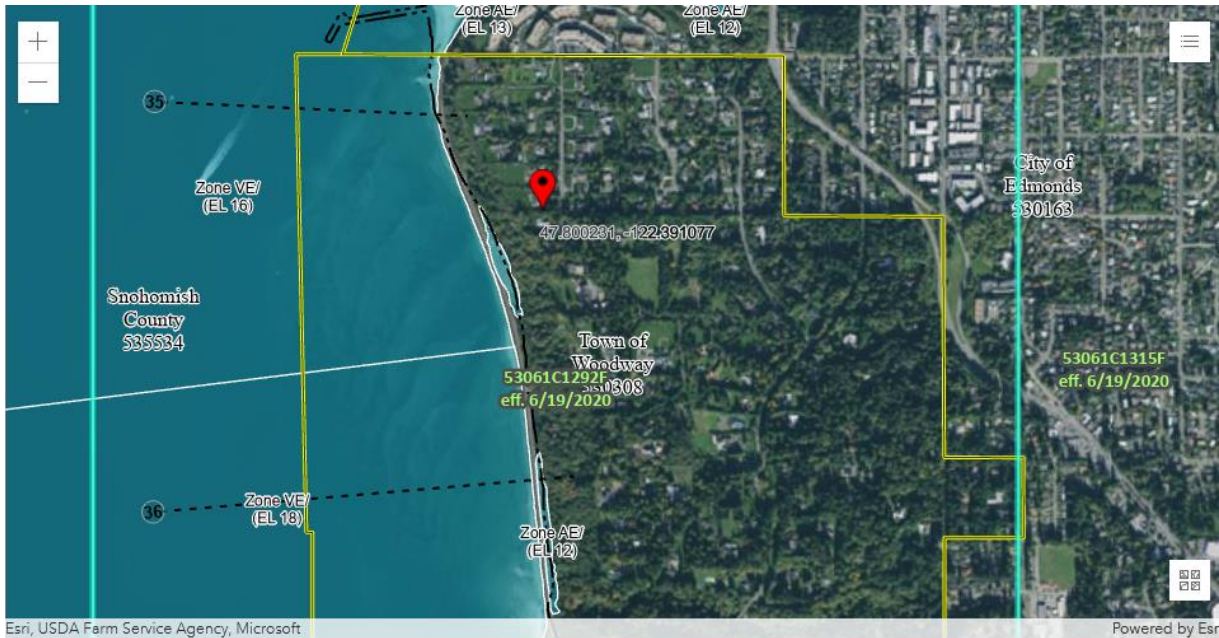
14.70.290 ENFORCEMENT.

The provisions of this chapter shall be enforced under WMC Chapter 1.14.

14.70.300 FEMA FLOOD INSURANCE RATE MAPS

FEMA's Flood Insurance Rate Maps depicting special flood hazard zones are illustrated in Figure 1 – North and Figure 2 – South. These maps are effective 6/19/2020.

NORTH



Esri, USDA Farm Service Agency, Microsoft

Powered by Esri

<p>PIN</p> <ul style="list-style-type: none"> Approximate location based on user input and does not represent an authoritative property location <p>MAP PANELS</p> <ul style="list-style-type: none"> Selected FloodMap Boundary Digital Data Available No Digital Data Available Unmapped <p>OTHER AREAS</p> <ul style="list-style-type: none"> Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone D Otherwise Protected Area Coastal Barrier Resource System Area 	<p>SPECIAL FLOOD HAZARD AREAS</p> <ul style="list-style-type: none"> Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Regulatory Floodway Zone AE, AO, AH, VE, AR <p>OTHER AREAS OF FLOOD HAZARD</p> <ul style="list-style-type: none"> 0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X Area with Flood Risk due to Levee Zone D 	<p>OTHER FEATURES</p> <ul style="list-style-type: none"> Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Profile Baseline Hydrographic Feature <p>GENERAL STRUCTURES</p> <ul style="list-style-type: none"> Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
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SOUTH



KING COUNTY, 7266 A, Zone VE/ (EL 13), Zone AE/ (EL 12), 7270 A, 650057, Powered by Esri

<p>PIN</p> <ul style="list-style-type: none"> Approximate location based on user input and does not represent an authoritative property location <p>MAP PANELS</p> <ul style="list-style-type: none"> Selected FloodMap Boundary Digital Data Available No Digital Data Available Unmapped <p>OTHER AREAS</p> <ul style="list-style-type: none"> Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone D Otherwise Protected Area Coastal Barrier Resource System Area 	<p>SPECIAL FLOOD HAZARD AREAS</p> <ul style="list-style-type: none"> Without Base Flood Elevation (BFE) Zone A, A99 With BFE or Depth Regulatory Floodway Zone AE, AD, AH, VE, AR <p>OTHER AREAS OF FLOOD HAZARD</p> <ul style="list-style-type: none"> 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X Area with Flood Risk due to Levee Zone D 	<p>OTHER FEATURES</p> <ul style="list-style-type: none"> Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature <p>GENERAL STRUCTURES</p> <ul style="list-style-type: none"> Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
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