

WMC CHAPTER 14.71: FLOOD HAZARD PERMITS

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14.71.010 PURPOSE AND APPLICABILITY.

The purpose of this chapter is to set forth the procedures and decision criteria for flood hazard permits. This chapter applies to all development in a special flood hazard area as provided in WMC Chapter 14.70.

14.71.020 FLOOD HAZARD PERMIT.

Prior to any development within a special flood hazard area as defined in WMC 14.08.305, a flood hazard permit shall be obtained. The Town shall have the authority to approve, approve with conditions, or deny a flood hazard permit using an administrative approval. The flood hazard permit is exempt from the notice provisions set forth in WMC 14A.04.070. If the flood hazard permit is accompanied by a concurrent development activity application, the flood hazard permit application may, at the applicant's request, be processed concurrently with the development activity application. In order to be considered concurrent, all other development activity permits must be submitted to the Town at the same time as the flood hazard permit application.

14.71.030 ADDITIONAL SUBMITTAL REQUIREMENTS.

All persons applying for a flood hazard permit shall make application to and shall meet the submittal requirements established by the department pursuant to 14A.04.060. Additional submittal requirements shall include the following:

- A. Name of the stream or body of water associated with the floodplain in which the development is proposed;
- B. General location of the proposed development;
- C. Site plan map showing:
 - 1. Site boundaries;
 - 2. Location and dimensions of the proposed development or structure;
 - 3. Location and volume of any proposed fill material; and
 - 4. Location of existing structures;
- D. Topographic, engineering, and construction information necessary to evaluate the proposed project that may be requested by the department through the preapplication process or during the initial review for completeness of the application;
- E. Additional information when required pursuant to chapter WMC 14.70;

- F. If a project proposes to alter or relocate a riverine watercourse, the flood hazard permit application shall include a description of the extent to which the riverine watercourse will be altered or relocated;
- G. If a project will alter the base flood elevation or the boundaries of the special flood hazard area the flood hazard permit application shall include:
 - 1. Engineering documentation and analysis developed by a registered qualified professional engineer regarding the proposed change; and
 - 2. If required by the Federal Emergency Management Agency, a letter of map change from that agency. If a letter of map change is required, the applicant must receive approval of a conditional letter of map revision from the Federal Emergency Management Agency before the flood hazard permit may be approved. The application for the flood hazard permit shall include the complete conditional letter of map revision application package;
- H. Elevation and floodproofing certification under WMC 14.70.130 and 140; and
- I. If a project is proposed in the floodway, certification by a registered professional engineer confirming that the proposal will not result in any increase in flood levels during the occurrence of the base flood discharge.

14.71.040 NO LIABILITY.

The granting of a permit for any development or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the Town, or any official or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon, or cause of action against, such public body, official, or employee for any damage that may result thereto.

14.71.050 TIME LIMITATION OF APPLICATION.

An application for a flood hazard permit shall expire 18 months from the date of letter of completeness.

14.71.060 DECISION CRITERIA - FLOOD HAZARD PERMIT.

The department may approve or approve with conditions a flood hazard permit when the following is met:

- A. The requirements of chapter 14.70 are met, including, but not limited to
 - 1. Floodproofing requirements;
 - 2. Floodway encroachment provisions;
 - 3. Density fringe area provisions; and
 - 4. Requirements relating to the alteration or relocation of a watercourse; and
- B. Permits from those agencies for which prior approval is required have been issued; and
- C. The permit is in accordance with this code and other applicable local, state, and federal regulations; and
- D. Development authorized by the permit will not:
 - 1. Significantly increase the level of flooding on any lands;
 - 2. Threaten the preservation of those natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by:
 - a. creating or exacerbating rapid water runoff conditions which contribute to increased downstream flooding; and

- b. eliminating natural groundwater absorption areas essential for reducing surface flood flows downstream. In-kind on-site mitigation may be used to achieve this requirement; and
3. Materially pollute or contribute to the turbidity of flood waters.

14.71.070 PERMIT EXPIRATION.

The flood hazard permit shall expire 18 months from date of issuance.

14.71.080 ENFORCEMENT.

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