CITY OF SELAH
Planning Department • 222 South Rushmore RD. • Selah, WA 98942 • Ph: (509) 698-7365 • www.selahwa.gov

CITY OF SELAH
NOTICE OF ENVIRONMENTAL REVIEW, PUBLIC COMMENT AND PLANNING COMMISSION PUBLIC HEARING

NOTICE OF APPLICATION

Project Location: Citywide.
Project Applicant: City of Selah, Community Development & Planning
File Numbers: SEPA 2021-002
Date of Application: June 14, 2021
Date of Determination of Completeness: June 14, 2021

PROJECT DESCRIPTION

Amendments to Selah Municipal Code (SMC) Title 11.19 Flood Damage Prevention pertaining to the regulation of development and construction within the FEMA 100 Year Floodplain, and Environmental Review of the proposed regulations in their entirety. (See Environmental Checklist SEPA# 2021-002, and City of Selah Draft Floodplain Amendment documents for further description and explanation online at: https://selahwa.gov/planning/sepa/.

ENVIRONMENTAL REVIEW

This is to notify all the public and private agencies with jurisdiction and environmental expertise that the City of Selah Community Development and Planning Department has been established as the lead agency, pursuant to the Washington State Environmental Policy Act (SEPA) for the above stated project. The City of Selah is presently inclined towards the issuance of a Determination of Non- Significance (DNS) on this project. WAC 197-11-355 is being used. **This may be your only opportunity to comment on the environmental impacts of the proposed project.**
Comment due date: July 1, 2021

REQUEST FOR WRITTEN COMMENTS

Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. There is a 14-day comment period for this review. All written comments received by **July 1, 2021,** will be considered prior to issuing the final threshold determination on this application.

NOTICE OF DECISION

A copy of the SEPA threshold determination will be mailed to the parties, agencies, and those who provided public comment after the end of the 14-day public comment period.

Open Record Public Hearing

Notice is hereby given that on Tuesday, **July 20, 2021**, commencing at 5:30 P.M., or as soon thereafter as practical, the City of Selah Planning Commission will conduct an open record public hearing in the Council Chambers, Selah City Hall, 115 W. Naches Ave. Selah, WA regarding consideration of the above-described zoning amendments. All interested persons may appear and provide testimony on the application. At the conclusion of the public hearing the Planning Commission will consider the matter and issue a recommendation to the City Council for approval, approval with conditions, or denial of the of the proposed amendments.

COVID-19 Hearing Notification: Interested parties, please be advised in accordance with the multiple proclamations by the Governor of the State of Washington,(in particular proclamation 20-28) guidance

from the State Attorney General on the requirements of the Open Public Meetings Act, directives by the State Health Department and Yakima Health District regarding COVID-19, the above scheduled public hearing may be held by electronic and telephonic means via Zoom. Procedures for attendance of this open record public hearing will be provided on the City of Selah Planning Commission's website along with the Planning Commission meeting agenda ten days prior to the scheduled meeting (https://selahwa.gov/planning/planning-commission/).

The draft Floodplain Ordinance Amendments and SEPA Checklist are available during regular business hours at the Planning Department at 222 South Rushmore Road, Selah, Washington 98942 or on the City of Selah's website at https://selahwa.gov/planning/. The staff report will be available approximately one week before the hearing. Contact the Planning Department with project and/or procedural questions.

Dated this 17th day of June 2021.

/s/

Jeff Peters, Community Development Supervisor

ENVIRONMENTAL CHECKLIST

STATE ENVIRONMENTAL POLICY ACT (SEPA)

RCW Chapter 43.21C

PURPOSE OF CHECKLIST

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

INSTRUCTIONS FOR APPLICANTS

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

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

USE OF CHECKLIST FOR NONPROJECT PROPOSALS

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

A. BACKGROUND INFORMATION (To be completed by the applicant.)

1. **Name Of Proposed Project (If Applicable):**
   City of Selah 2021 FEMA Floodplain Development Regulation Amendments Ch. 11.19

2. **Applicant's Name & Phone:**
   Jeff Peters, City of Selah Community Development Supervisor, (509)698-7372

3. **Applicant's Address:**
   City of Selah Public Works 222 Rushmore Road, Selah, WA 98942

4. **Contact Person & Phone:**
   Same as applicant.

5. **Agency Requesting Checklist:** City of Selah

6. **Proposed Timing Or Schedule (Including Phasing, If Applicable):**
   N/A – Non Project Action

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:**
   None at this time.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:**
   FEMA Floodrate Insurance Maps for Naches River (effective October 21, 2021).

A. BACKGROUND INFORMATION (To be completed by the applicant.)

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

None pending.

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

SEPA determination, City of Selah Planning Commission Public Hearing, Washington State Department of Ecology Acceptance, and City Council Approval.

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

This proposal includes amendments to update the City of Selah's Flood Hazard Prevention Ordinance Ch. 11.19 of the Selah Municipal Code to be consistent with changes to federal, and state law, and the National Flood Insurance Program. https://selahwa.gov/planning/.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist:

City Limits.

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

EARTH

1. **General description of the site (✓ one):**
   ☑ flat ☑ rolling ☑ hilly ☑ steep slopes ☑ mountainous ☐ other:_____

2. **What is the steepest slope on the site (approximate percent slope)?**
   N/A – Non-Project Action.

3. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**
   N/A – Non-Project Action.

4. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**
   N/A – Non-Project Action.

5. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**
   N/A – Non-Project Action.

6. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**
   N/A – Non-Project Action.

7. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**
   N/A – Non-Project Action.

8. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**
   N/A – Non-Project Action.

AIR

1. **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**
   N/A – Non-Project Action.

2. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**
   N/A – Non-Project Action.

3. **Proposed measures to reduce or control emissions or other impacts to air, if any:**
   N/A – Non-Project Action.

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

SURFACE WATER

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

   N/A – Non-Project Action: The City's Flood Hazard Prevention Ordinance jurisdiction applies primarily to portions of the Naches and Yakima Rivers within the City of Selah.

2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

   N/A – Non-Project Action

3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

   N/A – Non-Project Action

4. **Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

   N/A – Non-Project Action

5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

   N/A – Non-Project Action: The City's Flood Damage Prevention Ordinance provides for regulation of construction within the 100-Year Floodplain.

6. **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

   N/A – Non-Project Action

GROUND WATER

1. **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

   N/A – Non-Project Action

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

   N/A – Non-Project Action

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

WATER RUNOFF (INCLUDING STORM WATER)

1. **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**
   N/A – Non-Project Action

2. **Could waste materials enter ground or surface waters? If so, generally describe.**
   N/A – Non-Project Action

3. **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**
   N/A – Non-Project Action

4. **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**
   N/A – Non-Project Action

PLANTS

1. **Check (✓) types of vegetation found on the site:**

Deciduous Trees:	Evergreen Trees:	Wet Soil Plants:	Water Plants:	Other:
☑ Alder	☑ Fir	☑ Cattail	☑ Milfoil	☑ Shrubs
☑ Maple	☑ Cedar	☑ Buttercup	☑ Eelgrass	☑ Grass
☑ Aspen	☑ Pine	☑ Bullrush	☑ Water Lily	☑ Pasture
☐ Other	☐ Other	☑ Skunk Cabbage	☐ Other	☑ Crop Or Grain
		☐ Other		☑ Orchards, vineyards, or other permanent crops
				☑ Other types of vegetation

2. **What kind and amount of vegetation will be removed or altered?**
   N/A – Non-Project Action

3. **List threatened or endangered species known to be on or near the site.**
   N/A – Non-Project Action

4. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**
   N/A – Non-Project Action

5. **List all noxious weeds and invasive species known to be on or near the site.**
   N/A – Non-Project Action

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

ANIMALS

1. **List any birds or other animals which have been observed on or near the site or are known to be on or near the site.**
   Examples include:
   birds: hawk, heron, eagle, songbirds, other:
   mammals: deer, bear, elk, beaver, other:
   fish: bass, salmon, trout, herring, shellfish, other:
   Alll of the above.

2. **List any threatened or endangered species known to be on or near the site.**
   There are few threatened or endangered species known to live in or around the city limits of Selah; however this proposal does not involve any change to the land.

3. **Is the site part of a migration route? If so, explain.**
   Migratory birds may use property within the City limits; however, this proposal does not involve any change to the land or habitat, and is considered a Non Project Action.

4. **Proposed measures to preserve or enhance wildlife, if any:**
   N/A – Non-Project Action

5. **List any invasive animal species known to be on or near the site.**
   N/A – Non-Project Action

ENERGY AND NATURAL RESOURCES

1. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**
   N/A – Non-Project Action

2. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**
   N/A – Non-Project Action

3. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**
   N/A – Non-Project Action

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

ENVIRONMENTAL HEALTH

1. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**
   N/A – Non-Project Action

2. **Describe any known or possible contamination at the site from present or past uses.**
   N/A – Non-Project Action

3. **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**
   N/A – Non-Project Action

4. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**
   N/A – Non-Project Action

5. **Describe special emergency services that might be required.**
   N/A – Non-Project Action

6. **Proposed measures to reduce or control environmental health hazards, if any:**
   N/A – Non-Project Action

NOISE

1. **What types of noise exist in the area, which may affect your project (for example: traffic, equipment, operation, other)?**
   N/A – Non-Project Action

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**
   N/A – Non-Project Action

3. **Proposed measures to reduce or control noise impacts, if any:**
   N/A – Non-Project Action

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

LAND AND SHORELINE USE

1. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

   N/A – Non-Project Action

2. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

   Many of the properties within the City of Selah have been used for agriculture purposes in the past.

3. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

   N/A – Non-Project Action

4. **Describe any structures on the site.**

   N/A – Non-Project Action

5. **Will any structures be demolished? If so, what?**

   N/A – Non-Project Action

6. **What is the current zoning classification of the site?**

   The zoning classifications in which the proposed uses could be allowed are Low Density Single-Family, Residential, Single-Family, Residential, Two-Family, and Residential, Multi-Family.

7. **What is the current comprehensive plan designation of the site?**

   The Future Land Use designations in which the proposed uses could be allowed are Low Density Residential, Moderate Density Residential, and High Density Residential.

8. **If applicable, what is the current shoreline master program designation of the site?**

   N/A – Non-Project Action: The City's Flood Damage Prevention Ordinance provides for regulation of construction within the 100-Year Floodplain, and Shoreline Master Program Designated areas.

9. **Has any part of the site been classified as a critical area by the city or county? If so, specify.**

   N/A – Non-Project Action: The City's Flood Damage Prevention Ordinance provides for regulation of construction within the 100-Year Floodplain, which are often designated as Critical Areas.

10. **Approximately how many people would reside or work in the completed project?**

    N/A – Non-Project Action

11. **Approximately how many people would the completed project displace?**

    N/A – Non-Project Action

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

LAND AND SHORELINE USE

12. **Proposed measures to avoid or reduce displacement impacts, if any.**
    N/A – Non-Project Action

13. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**
    N/A – Non-Project Action

14. **Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:**
    N/A – Non-Project Action

HOUSING

1. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**
   N/A – Non-Project Action

2. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**
   N/A – Non-Project Action

3. **Proposed measures to reduce or control housing impacts, if any:**
   N/A – Non-Project Action

AESTHETICS

1. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**
   N/A – Non-Project Action

2. **What views in the immediate vicinity would be altered or obstructed?**
   N/A – Non-Project Action

3. **Proposed measures to reduce or control aesthetic impacts, if any:**
   N/A – Non-Project Action

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

LIGHT AND GLARE

1. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**
   N/A – Non-Project Action

2. **Could light or glare from the finished project be a safety hazard or interfere with views?**
   N/A – Non-Project Action

3. **What existing off-site sources of light or glare may affect your proposal?**
   N/A – Non-Project Action

4. **Proposed measures to reduce or control light and glare impacts, if any:**
   N/A – Non-Project Action

RECREATION

1. **What designated and informal recreational opportunities are in the immediate vicinity?**
   N/A – Non-Project Action

2. **Would the proposed project displace any existing recreational uses? If so, describe.**
   N/A – Non-Project Action

3. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**
   N/A – Non-Project Action

HISTORIC AND CULTURAL PRESERVATION

1. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.**
   N/A – Non-Project Action

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

HISTORIC AND CULTURAL PRESERVATION

2. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

   N/A – Non-Project Action

3. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

   N/A – Non-Project Action

TRANSPORTATION

1. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

   N/A – Non-Project Action

2. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

   N/A – Non-Project Action

3. **How many parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

   N/A – Non-Project Action

4. **Will the proposal require any new or improvements to existing roads, streets, pedestrian bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

   N/A – Non-Project Action

5. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

   N/A – Non-Project Action

6. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?**

   N/A – Non-Project Action

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

TRANSPORTATION

7. **Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe:**
   N/A – Non-Project Action

8. **Proposed measures to reduce or control transportation impacts, if any:**
   N/A – Non-Project Action

PUBLIC SERVICES

1. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe:**
   N/A – Non-Project Action

2. **Proposed measures to reduce or control direct impacts on public services, if any.**
   N/A – Non-Project Action

UTILITIES

1. **Check (✓) utilities currently available at the site:**

   ☑ **electricity** ☑ **natural gas** ☑ **water** ☑ **refuse service** ☑ **telephone**

   ☑ **sanitary sewer** ☑ **septic system** ☐ **other**_____

2. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**
   N/A – Non-Project Action

C. SIGNATURE (To be completed by the applicant.)

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

Jeffery R. Peters	6/14/2021
Property Owner or Agent Signature	**Date Submitted**
Jeffery R Peters	Community Development Supervisor
Name of Signee	**Position and Agency/Organization**

PLEASE COMPLETE SECTION "D" ON THE NEXT PAGES
IF THERE IS NO PROJECT RELATED TO THIS ENVIRONMENTAL REVIEW

D. SUPPLEMENTAL SECTION FOR NONPROJECT ACTIONS ONLY (to be completed by the applicant)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities that would likely result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposed ordinance changes will not affect how land uses discharge to water, emissions to the air, storage, or release of toxic or hazardous substances, or the production of noise.

Proposed measures to avoid or reduce such increases are:

As the proposal will not increase any of the above environmental conditions, no measures to avoid or reduce these conditions have been proposed.

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

The proposed ordinance changes should have a neutral effect on plants, animals, fish, or marine life, as the Flood Hazard Prevention ordinance will be compliant with federal and state law.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The proposed ordinance changes should have a neutral effect on plants, animals, fish, or marine life, as the Flood Hazard Prevention ordinance will be compliant with federal and state law.

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

The proposed amendments do not involve regulations dealing with energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

None proposed

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

The proposed ordinance changes should have a neutral effect on environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplain, or prime farmlands as the Flood Hazard Prevention Ordinance will be compliant with federal and state law.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None proposed.

D. SUPPLEMENTAL SECTION FOR NONPROJECT ACTIONS ONLY (to be completed by the applicant)

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

The proposed ordinance changes should have a neutral effect on land and shoreline uses, as the Flood Hazard Prevention ordinance will be compliant with federal and state law.

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

None proposed.

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

No likely impacts.

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

None proposed.

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

The proposed amendments will not conflict with any local, state, or federal laws, or requirements for the protection of the environment, as the Flood Hazard Prevention ordinance will be compliant with federal and state law.

Chapter 11.19
FLOOD DAMAGE PREVENTION*

Sections:

11.19.010 Statement of purpose.
11.19.020 Definitions.
11.19.030 General provisions.
11.19.035 Categorical exemptions.
11.19.040 Establishment of flood zone development permit.
11.19.045 Flood zone development administration.
11.19.050 Variance procedure.
11.19.060 General standards.
11.19.065 Specific standards.
11.19.070 Floodways.
11.19.080 Penalties.
11.19.090 Severability.
11.19.100 Fees – Charges.
Appendix A

11.19.010 Statement of purpose.

(a) It is the purpose of this chapter to alleviate recurring flood damage, promote and protect the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(b) The city's enactment or enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public. In the event of a conflict between the intent of this subsection and any other provision of this chapter, this subsection shall govern insofar as applicable. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1377 § 2, 1998; Ord. 783 § 1, 1982.)

11.19.020 Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified herein unless the context requires a different meaning. Where terms are not defined in this chapter or in Chapter 10.02, they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two definitions, the more specific shall prevail. Webster's Ninth New Collegiate Dictionary, 1983, shall be the source for ordinary accepted meaning and for definition of words not defined in this chapter or Chapter 10.02.

"Administrative authority" means those public officials authorized by this title to administer the provisions and employ the procedures set forth in this chapter.

"Administrative official" means the building official shall serve as administrator of this chapter.

"Alteration" means (1) with respect to special flood hazard areas any human-induced action which adversely impacts the existing condition of the flood hazard area. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that adversely impacts the existing flood hazard area. (2) With respect to the built environment, a change or rearrangement of the structural parts of existing facilities, an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.

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

"Appeal" means a request for a review of any interpretation or decision issued by the administrator, building official or legislative body of any provision of this chapter or the special flood hazard area maps or a request for a variance.

"Applicant" means any person, firm, corporation or business entity which applies for a permit or approval required by this chapter.

"Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

"Area of special flood hazard" means the land in the floodplain within the city subject to one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".~~Designation on city maps always includes the letters A or AE.~~

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

"Base flood" means the flood having one percent chance of being equalled or exceeded in any given year. Also referred to as the "one-hundred-year flood." ~~Designation on city maps always includes the letters A or AE.~~

"Base flood elevation" means that elevation, expressed in feet above mean sea level, to which flooding and water surface elevations can be expected to occur on a frequency of once every one hundred years, or which is subject to a one percent or greater chance of flooding in any given year. ~~The elevation shall be referenced to the National Geodetic Vertical Datum of 1929.~~

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

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

Building. See "structure."

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

"City" means the municipal corporation of the city of Selah, Washington.

Commencement of Construction. See "start of construction."

"Critical facilities" means those facilities necessary to protect the public health, safety and welfare which are defined under the occupancy categories of essential facilities, hazardous facilities and special occupancy structures in the Uniform Building Code. These facilities include, but are not limited to, schools, hospitals, police and fire stations, other emergency response facilities, and nursing homes. Critical facilities also include sites which produce, process, use or store hazardous materials or hazardous wastes.

"Department" means the city of Selah public works department.

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

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

"Elevation Certificate" means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

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

"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 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 ~~March 1, 1998~~July 18, 1974.

"Existing use or development" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. "Use" also means any existing or proposed configuration of land, structure, and site improvements, and its use.

"Expansion of 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).

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

"Fill" means the placement of earth material or aggregate filling of topographic low areas and/or creation of dry upland areas by filling or depositing earth materials. Also, the material deposited by such action.

"Flood" or "flooding" means:

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

(A) The overflow of inland 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 damage protection easement" means a reservation or encumbrance on a particular piece of real property that precludes building improvement(s) intended for human habitation or other structures or activities that would frustrate the primary purpose of the easement to protect against flood damage.

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

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

"Flood insurance study" (FIS) ~~means the official report provided by the Federal Insurance Administration (FIA) that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.~~see "Flood Elevation Study."

"Floodplain or flood-prone area" means t~~he relatively flat area or lowlands adjoining the channel of a river or stream subject to flooding.~~ any land area susceptible to being inundated by water from any source. See "Flood or flooding."

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

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

"Floodproofing" means ~~adaptations that will provide that a structure is substantially impermeable to the passage of water below the flood protection elevation and resists hydrostatic and hydrodynamic loads including the impacts of buoyancy.~~ 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. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot.~~a designated height. Also referred to as "Regulatory Floodway."

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

"Grading" means any excavation, filling, removing of the duff layer or any combination of the same.

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

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

Historic structure means any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

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

a) By an approved state program as determined by the Secretary of the Interior, or

b) Directly by the Secretary of the Interior in states without approved programs.

"Legislative body" means the duly elected city council of the city.

"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 Section 11.19.065(a)(2).

"Manufactured home" means a ~~dwelling~~ structure transportable in one or more sections, built on a permanent chassis ~~for towing,~~ and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." ~~and which bears an insignia issued by a state or federal regulatory agency indicating that the structure complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of a manufactured home. Manufactured homes are further classified as follows:~~

~~(A) Multi-wide: Have a minimum width of not less than seventeen feet as measured at all points perpendicular to the length of the manufactured home.~~

~~(B) Single-wide: Have a minimum width less than seventeen feet as measured at all points perpendicular to the length of the manufactured home.~~

~~For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar recreational vehicles when placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.~~

"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" 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.

"Mitigation" means actions which shall be required as conditions of permit approval to avoid or compensate for impacts resulting from a proposed activity. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following descending order of preference:

(A) Avoid the impact altogether by not taking a certain action or parts of an action.

(B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

(C) Rectifying the impact by repairing, rehabilitating or restoring the affected environment.

(D) Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal.

(E) Compensating for the impact by replacing, enhancing or providing substitute flooding areas.

(F) Monitoring the impact and taking appropriate corrective measures.

For projects with potentially significant impacts a mitigation agreement may be required prior to permit approval. Replacement mitigation may be required to be established and be functional prior to commencement of construction.

"Mobile home park" means a parcel (or contiguous parcels) of land under single ownership which has been planned and improved for the placement of two or more mobile home for dwelling purposes.

"Modular home" means a residential structure constructed in a factory of factory assembled parts, does not contain a permanent frame and must be mounted on a permanent foundation, is transported to the building site in whole or units and which meets the requirements of the uniform building code. The completed structure is not a mobile or manufactured home.

"New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced after the effective date of ~~this chapter.~~an initial Flood Insurance Rate Map 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 the ordinance codified in this chapter, March 1, 1998.

"Nonconforming structure" means a structure or portion of a structure which was lawfully established and maintained prior to the effective date or amendment of this chapter, but which, because of the application of this chapter to it, fails to conform to the present requirements of this chapter.

"Nonconforming use" means a use which was lawfully established and maintained prior to the effective date or amendment of this chapter, but which, because of the application of this chapter to it, fails to conform to the present requirements of this chapter.

"Normal repairs and maintenance" means those matters requiring only the issuance of a building permit or other permit from the city.

"One-hundred-year flood or 100-year flood" see "Base flood."

"Proposed use or development" means any proposed configuration, activity or purpose for which land or structures or combination of land and structures are proposed to be used including the construction, erection, placement, movement or demolition of any structure or any physical alteration to land itself including any grading, leveling, paving or excavation.

"Reasonable use" means a legal concept that has been articulated by federal and state courts in regulatory takings cases.

"Reasonably Safe from Flooding" means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

"Recreational vehicle" means a vehicle which is:

(A) Built on a single chassis;

(B) Four hundred square feet or less when measured at the largest horizontal projection;

(C) Designed to be self-propelled or permanently towable by a light-duty truck; and

(D) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

"Repair, remodeling or alteration" means those matters requiring only the issuance of a building permit or other permit from the city.

"Shall" means, with respect to the functions and powers of the administrator, any agent or employee of the city herein authorized, the direction and authorization to act and exercise sound discretion and good faith. With respect to the obligation of property owners and occupants of premises and their agents, a mandatory requirement to act in compliance with this title at the risk of civil and criminal liability upon failure so to act.

"Shorelines" means those waters within the city, including reservoirs and associated wetlands, together with the lands underlying them which fall under the jurisdiction of the Shorelines Management Act.

"Start of construction" includes substantial improvement, and means the date the building permit was issued ~~for substantial improvement or new construction~~, provided the actual start of construction, repair, reconstruction, addition, 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.

"Structural alteration" means:

(A) Any change in a major component or other supporting members of a structure, including foundations, bearing walls, columns, beams, roof and floor joists, girders, or rafters.

(B) Any change in the exterior lines or configuration of a structure if such changes result in the enlargement of the structure.

"Structure" for floodplain management purposes means ~~an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner which requires a location on the ground or attached to something having a location on the ground~~a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. ~~but not including fences or walls used as fences less than six feet in height.~~

"Substantial damage" means damage of any origin sustained by 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:~~

~~(A) B~~before the "start of construction" of the improvement or repair~~; or~~. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

~~(B) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first~~

~~alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

~~(C)~~ The term does not, however, include either:

(i) Any project for improvement of a structure to correct previously identified existing violations ~~comply with existing~~ of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are solely necessary to assure safe living conditions; or

(ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." ~~listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

"Use" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including grading, leveling, paving or excavation. "Use" also means existing or proposed configuration of land, structure, and site improvements, and its use.

"Utilities" means those facilities serving the public by means of a network of wires or pipes, and structures ancillary thereto. Included are systems for the delivery of natural gas, electricity, telecommunication services, and water and for the disposal of sewage.

"Variance" means a grant of relief by a community from the terms of a floodplain management regulation. ~~or modification of the specific regulations of this chapter in accordance with the terms of this chapter for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties within a special flood hazard area. The variance or modification in the application of the regulations shall remedy the disparity in privilege. A variance shall not be used to convey special privileges not enjoyed by other properties in the same special flood hazard area subject to the same restrictions.~~.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1986 § 1, 2016; Ord. 1597, 2003; Ord. 1377 §§ 3—43, 1998; Ord. 886 § 1, 1987.)

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

11.19.030 General provisions.

(a) *Applicability.* The provisions of this chapter shall apply to all real property, all existing structures and uses, to any proposed structure or use, construction, alteration or development within any special flood hazard area located within the corporate limits of the city, as the corporate limits are now configured or may, from time to time, be amended. Within special flood hazard areas may be located existing structures or uses which are categorically exempt from the provisions of this chapter. See Section 11.19.035, Categorical exemptions.

(b) *Basis For Establishing Areas of Special Flood Hazard.* The areas of special flood hazard identified by the Federal Insurance ~~Administration~~ Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Yakima County, Washington and Incorporated Areas," dated ~~November 18, 2009~~October 21, 2021, with accompanying ~~f~~Flood ~~i~~Insurance Rate ~~m~~Maps (FIRMs), and any subsequent map revisions are adopted by reference and declared to be a part of this chapter. The flood insurance study and FIRM referred to in this section ~~is~~ are on file and available for public inspection at ~~the public works department~~222 S. Rushmore Road, Selah, WA 98942.

The best available information for flood hazard area identification as outlined in Section 11.19.045(b)(2) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 11.19.045(b)(2).

(c) *Compliance.* ~~No structure or land~~All development within special flood hazard areas ~~shall, after the effective date of the ordinance codified in this chapter, be constructed, located, extended, converted or altered without full compliance with~~ is subject to the terms of this chapter and other applicable regulations.

(d) *Abrogation and Greater Restrictions.* This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) *Interpretation.* In the interpretation and application of the chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(f) *Warning and Disclaimer of Liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This

chapter does not create liability on the part of the Federal Insurance Administratori~~on~~ for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(g) In the case of conflicts between parts of this chapter and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by the city the most restrictive shall govern. In the case of conflicts between the text, maps or tables of this chapter the text shall govern unless otherwise stated.

(h) Unless specifically defined in this chapter, words, phrases and terms 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. "Shall" and "will" are always mandatory; "may" is permissive and indicates the use of discretion in making a decision and does not impose a requirement; "should" is always advisory; "include" means including but not limited to. When not inconsistent with the context, words used in the present tense include the future; the singular the plural; and the plural the singular.

(i) Words importing the masculine gender may be extended to the female and words importing the feminine gender may be extended to the male.

(j) This chapter is amendable. Any section, subsection, paragraph, sentence, clause, phrase or other portion of this chapter, excepting special flood hazard area maps adopted by reference, may be amended following the procedures established in Chapter 10.26.

(1) Proposed amendments shall be submitted on forms provided by the administrator. The application fee established in Section 11.19.100, Fees – Charges, shall accompany the application.

(2) The final decision by the legislative body on any proposed amendment shall be based upon the purpose, intent, definitions, and criteria established in this chapter and the requirements of the National Flood Insurance Program.

(3) The burden of proof that the proposed amendment is consistent with the purpose, intent, definitions and criteria established in this chapter and the requirements of the National Flood Insurance Program shall be upon the applicant(s)/petitioner(s).

(4) The decision of the legislative body shall be final and conclusive unless appealed in accordance with Section 10.26.120.

(k) The city of Selah public works department shall be the repository of special flood hazard area maps, applications, files, certificates of elevation, etc. The mayor of the city, or the mayor's designee, shall serve as administrator of this chapter. The administrator shall administer, interpret, and implement this chapter by granting or denying flood damage prevention permit applications and variances, and revoking flood damage prevention permits for noncompliance in accordance with the

provisions of this chapter. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1776, 2009; Ord. 1377 §§ 44—52, 1998; Ord. 886 § 1, 1987.)

11.19.035 Categorical exemptions.

(a) Repairs, reconstruction or improvements to a structure or use listed on the National Register of Historic Places or a Washington State Inventory of Historic Places. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1377 § 53, 1998.)

11.19.040 Establishment of flood zone development permit.

A flood zone development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11.19.030(b). The permit shall be for all structures, including manufactured homes, as set forth in Section 11.19.020, and for all other development including fill and other activities also as set forth in Section 11.19.020. Application for a flood zone development permit shall be made on forms furnished by the administrator and may include, but not limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

(2) Elevation in relation to mean sea level to which any structure has been floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods used for any nonresidential structure meet the floodproofing criteria in Section 11.19.065(b); and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1377 § 54, 1998; Ord. 886 § 1, 1987.)

(5) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

11.19.045 Flood zone development administration.

(a) *Designation of the* ~~*Flood Zone Administrative Official.*~~. Floodplain Administrator. The mayor of the city of Selah, or the mayor's designee, is designated as the ~~flood zone a~~Floodplain Administrator

and appointed to administer and implement this chapter by granting or denying flood zone development permit applications in accordance with its provisions.

(b) *Duties and Responsibilities of the ~~Flood Zone~~Floodplain Administrator.* Duties of the flood zone administrator shall include, but not be limited to:

(1) Permit review:

(A) Review all development permits to determine that the permit requirements of this chapter have been satisfied,

(B) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required,

(C) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 11.19.070 are met;

(D) Review all development permits to determine the site is reasonably safe from flooding;

(E) Notify FEMA when annexations occur in the Special Flood Hazard Area.

(F) Notify FEMA of changes to the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.

(2) Use of other base flood data: When base flood elevation data has not been provided in accordance with Section 11.19.030(b), the ~~flood zone~~Floodplain A~~a~~dministrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 11.19.065(a) and (b) and Section 11.19.070, floodways;

(3) Information to be obtained and maintained:

(A) Where base flood elevation data is provided through the Flood Insurance Study or required as in subsection (b)(2) of this section, obtain and maintain a record of 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;

(B) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required as in subsection (b)(2) of this section:

(i) ~~Verify~~ Obtain ~~-~~and maintain a record of the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

(ii) Obtain and ~~M~~maintain the floodproofing certifications required in Section 11.19.040(3);

(C) Maintain for public inspection all records pertaining to the provisions of this chapter;

(D) Certification required by Section 11.19.070(a) (floodway encroachments).

(E) Records of all variance actions, including justification for their issuance.

(F) Improvement and damage calculations.

(4) Alteration of watercourses:

(A) Notify adjacent communities and the 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~~Administrator~~,~~ through appropriate notification means, and

(B) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

(5) Interpretation of FIRM boundaries: Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 11.19.050. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1597, 2003; Ord. 1377 § 55, 1998; Ord. 886 § 1, 1987.)

11.19.050 Variance procedure.

(a) Appeals and requests for variances from the requirements, decisions or determinations made by the flood zone administrator in the enforcement and administration of this chapter shall be subject to and pursuant to the procedures established in Section 10.30.030.

(b) Those aggrieved by the decision under the procedures of Section 10.30.030 may appeal such decision to the Superior Court of the state of Washington.

(c) In passing upon such applications, the administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) 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.

(d) Generally, variances may be issued 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 (1) through (11) in subsection (c) of this section have been carefully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(e) Upon consideration of the factors of subsection (c) of this section and the purposes of this chapter, the administrator may attach such conditions to the granting of variances as the administrator deems necessary to further the purposes of this chapter.

(f) The flood zone administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(g) *Conditions for Variances.*

(1) 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 the remainder of this section.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

(A) Showing of good and sufficient cause;

(B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(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 Sections 11.19.040 and 11.19.045, and this section, or conflict with existing local laws or ordinances.

(5) 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.

(6) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (g)(1) of this section, and otherwise complies with Sections 11.19.060(a)(1) and 11.19.060(b)(1).

(7) 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. 2032 § 1 (Exh. A), 2017; Ord. 1377 §§ 56—60, 1998; Ord. 886 § 1, 1987.)

11.19.060 General standards.

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

(a) *Anchoring.*

(1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

(2) Manufactured homes and mobile homes shall be installed and 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. Installation and anchoring standards are identified in Appendix A (Guidelines for the Installation and Anchoring of Manufactured Housing in Washington State).

(3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred pounds.

(4) Any additions to a manufactured or mobile home shall be similarly anchored.

(b) *Construction Materials and Methods.*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) *Utilities.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Water wells shall be located on high ground that is not in the floodway.

(d) *Subdivision Proposals.*

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

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain fifty or more lots or exceed five acres in area.

(e) For new manufactured home parks, and manufactured home subdivisions; for expansion to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision, require that:

(1) Individual lease spaces or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at least one foot above the base flood level.

(2) Adequate surface drainage and access for a hauler are provided.

(3) In the instance of elevation on pilings, that:

(A) Individual lease spaces or lots are large enough to permit steps.

(B) Piling foundations are placed in stable soil no more than ten feet apart.

(C) Reinforcement is provided for pilings more than six feet above the ground level.

(f) *Review of Building Permits.* Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source, applications for building 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 grade in these zones may result in higher insurance rates. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1986 § 2, 2016; Ord. 1377 §§ 61—66, 1998; Ord. 886 § 1, 1987.)

(g) *Storage of Materials and Equipment.*

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

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

11.19.065 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 11.19.030(b) or 11.19.045(b)(2), 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, ~~N~~new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated ~~to~~ one foot or more above the base flood elevation. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or 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.

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

(b) *Nonresidential Construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation~~ meet the standards in Section 11.19.065(a); or, together with attendant utility and sanitary facilities, shall:

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

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in this chapter.

(4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in this chapter.

(5) Applicants floodproofing nonresidential buildings shall be notified that the flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

(c) *Manufactured Homes and Mobile Homes.* All manufactured and mobile homes to be placed or substantially improved ~~within zones A and Ae~~ on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes is elevated one foot or more above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with Appendix A of this chapter.

(d) *Critical Facilities.*

(1) Critical facilities may be allowed within areas of special flood hazard, but only when no reasonable alternative site is available. Critical facilities constructed within areas of special flood hazard shall have the lowest floor elevated to three or more feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. Flood-proofing and sealing measures must be taken to ensure that hazardous or toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the nearest maintained public street or roadway.

(2) Construction of critical facilities is prohibited within designated floodways.

(e) *Recreational Vehicles.*

(1) Recreational vehicles, ~~designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use, which are placed within A and AE zones shall be:~~placed on sites are required to either:

(A) ~~Limited to a~~ Be on the site ~~occupancy of~~ fewer than one hundred eighty consecutive days; ~~and~~or

(B) Fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions~~.~~; or (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1597, 2003; Ord. 1377 §§ 67—72, 1998; Ord. 886 § 1, 1987.)

(C) Meet the requirements of 11.19.065(c), above.

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

(g) *Small Accessory Structures (Detached Garages & Small Storage Structures).*

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

1) In A, AE, A1-30, AH, and AO flood zones, small accessory structures (less than or equal to the size of a one story, two car garage) used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

a) Use the small accessory structure must be limited to parking of vehicles or limited storage;

b) The portions of the small accessory structure located below the BFE must be built using flood resistant materials;

c) The small accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

d) Any machinery or equipment servicing the small accessory structure must be elevated or flood proofed to or above the BFE;

e) If located in a floodway, then the small accessory structure must comply with floodway encroachment provisions in Section 5.4-1;

f) The small accessory structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5).

g) The structure shall have low damage potential, and

h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use.

i) The structure shall not be used for human habitation.

2)Detached garages, storage structures, and other small accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.

3)Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

(h) *Livestock Sanctuary Areas.*

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

(To be "elevated sufficiently to protect livestock" typically means to be elevated at least one foot above the BFE.)

11.19.067 AE & 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.

11.19.070 Floodways.

Located within areas of special flood hazard established in Section 11.19.030(b) are areas designated as floodways. Floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and increase erosion potential, the following provisions apply:

(a) Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) If subsection (a) of this section is satisfied, all new construction, and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 11.19.060 and 11.19.065 and this section.

(c) Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

(1) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

(2) Repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 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.

Work done on structures to correct existing violations of state or local health, sanitary or safety codes 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 historical places, may be excluded from the fifty percent. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1986 § 3, 2016; Ord. 1597, 2003; Ord. 1377 § 73, 1998; Ord. 943, 1989; Ord. 886 § 1, 1987.)

11.19.080 Penalties.

No structure or land shall, be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Any person, firm or corporation violating any of the provisions of this chapter or failing to comply with the terms and provisions thereof is guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed one thousand dollars, or imprisoned for a period not to exceed ninety days, or both such fine and imprisonment for each such violation. Each day that any person, firm or corporation continues to violate or fails to comply with any of the provisions of this chapter shall be considered a separate offense. The penalty prescribed in this section is cumulative in addition to any other remedy, criminal or civil, and a violation hereunder may also be subject to enforcement and penalties as provided in Chapter 6.75, Code Enforcement. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1377 § 74, 1998; Ord. 886 § 1, 1987.)

11.19.090 Severability.

This chapter is severable. If any section, subsection, paragraph, sentence, clause, phrase or other portion of this chapter, or any part adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this chapter. If any section, subsection, paragraph, sentence, clause, phrase or other portion, or any part adopted by reference, is for any reason held to be invalid as applied to any person, circumstance or particular property the application of such invalidated portion of this chapter to another person, circumstance or particular property shall not be affected. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1377 § 75, 1998; Ord. 886 § 1, 1987.)

11.19.100 Fees – Charges.

The fee schedule for applications, permits, determinations, certificates, appeals and procedures contained in this chapter, Flood Damage Prevention, is contained in Chapter 20.10. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1418 § 32, 1998; Ord. 1377 § 76, 1998.)

Appendix A

(a) "Guidelines for the Installation and Anchoring of Manufactured Housing in Washington State," dated September 20, 1996, prepared by the Federal Emergency Management Agency, Region X, Mitigation Division, is adopted by reference and incorporated into this chapter as Appendix A.

(b) "Guidelines for the Installation and Anchoring of Manufactured Housing in Washington State," dated September 20, 1996, prepared by the Federal Emergency Management Agency, Region X, Mitigation Division, is available for public inspection and acquisition at the Department of Public Works.

(c) "Guidelines for the Installation and Anchoring of Manufactured Housing in Washington State," dated September 20, 1996, prepared by the Federal Emergency Management Agency, Region X, Mitigation Division, contains installation and anchoring standards required to meet the installation and anchoring standards of this chapter. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 1377 § 77, 1998.)