ORDINANCE NO. 2129

AN ORDINANCE ADOPTING STATE REQUIRED 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

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and,

WHEREAS, the City of Selah is a National Flood Insurance Program (NFIP) community; and,

WHEREAS, as a NFIP community, the City is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP, as well as meeting the requirements of the Washington State Department of Ecology (WSDOE) which may be more restrictive; and,

WHEREAS, on June 3, 2021, the WSDOE notified the City of Selah that the Federal Emergency Management Agency (FEMA) released new Flood Insurance Study Maps that affect the Naches and Yakima Rivers, and the City of Selah; and,

WHEREAS, state law requires that whenever new flood maps are adopted and become effective (effective map date: October 21, 2021), that cities are required to review and update their Flood Damage Prevention ordinances; and,

WHEREAS, the City of Selah’s Flood Damage Prevention Ordinance was last amended in 2017 and was deemed noncompliant by WSDOE with state law and the National Flood Insurance Program Flood Damage Prevention Ordinance Washington Model (Revised 12/09/2019); and,

WHEREAS, the proposed amendments will add all required additions and/or modify all noncompliant sections of the City’s Flood Damage Prevention Ordinance bringing it into conformance with the requirements of the NFIP and the WSDOE requirements; and,

WHEREAS, the City of Selah Community Development Department reviewed the requested changes to the City of Selah’s Flood Damage Prevention Ordinance, and determined that all recommended and required ordinance changes should be incorporated and adopted; and,

WHEREAS, it is the purpose of this ordinance to promote the public health, safety, and
general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
7. Notify potential buyers that the property is in a Special Flood Hazard Area;
8. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
9. Participate in and maintain eligibility for flood insurance and disaster relief; and,

WHEREAS, in order to accomplish its purposes, this ordinance includes methods and provisions for:
   a. Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
   b. Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;
   c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
   d. Controlling filling, grading, dredging, and other development, which may increase flood damage; and
   e. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas; and,

WHEREAS, Environmental Review for the entire proposal was conducted under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance (DNS) was issued on July 2, 2021; and,

WHEREAS, public notice of the Planning Commission public hearing was published in the official newspaper of the City on June 17, 2021, and sent to all parties who expressed interest in being notified and who commented on the draft amendments through the public review and SEPA processes; and,

WHEREAS, as required by the Growth Management Act, the Flood Damage Prevention ordinance is consistent with Yakima Countywide Planning Policies; and,

WHEREAS, public notice of the City Council public hearing was published in the official
newspaper of the City on August 6, 2021, and sent to all parties who expressed interest in being notified and who commented on the draft amendments through the public review and SEPA processes, and Planning Commission public hearing; and,

WHEREAS, all persons desiring to either provide written testimony or speak for or against or in relation to the proposed Flood Damage Prevention amendments at the public hearing held by the Planning Commission on July 20, 2021, and the City Council Meeting on August 24, 2021, were given a full and complete opportunity to be heard; and,

WHEREAS, the City Council of the City of Selah has concluded that the adoption and implementation of proposed Flood Damage Prevention Ordinance amendments are essential to direct the future growth and development of the City of Selah.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH:

Section 1. Findings and Conclusions. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including the recommendation of the Planning Commission and all written and oral testimony before the City Council. The Selah City Council hereby adopts the following findings and conditions as recommended by the Planning Commission.

Section 2. Adoption of the amended City of Selah Flood Damage Prevention Ordinance 11.19. The City of Selah hereby adopts the amended Chapter 11.19 Flood Damage Prevention, a copy of which is attached to this ordinance.

Section 3. Rescind Previous Versions. All previous versions of the SMC Chapter 11.19, as well as any amendments thereto, whether by resolution or ordinance, are hereby rescinded.

Section 4. Transmittal to State. This ordinance shall be submitted to the Washington Department of Commerce for their records within 10 days of adoption.

Section 5. Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were unconstitutional or invalid.

Section 5. Effective Date. This ordinance shall be in full force and effect 5 days after its passage and publication as required by law.
ORDAINED this 24th day of August, 2021

Sherry Raymond
Sherry Raymond, Mayor

ATTEST:

Dale E. Novobielski, Clerk Treasurer

APPROVED AS TO FORM:

Rob Case, City Attorney

ORDINANCE NO. 2129
Chapter 11.19
FLOOD DAMAGE PREVENTION*

Sections:
11.19.010 Statement of purpose.
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.
11.19.080 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.)


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".

"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."

"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.

"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."


"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 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 general and temporary condition of partial or complete inundation of normally dry land areas from:

   (A) The overflow of inland waters;
   (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 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) see "Flood Elevation Study."

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

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

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

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. 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 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 structure transportable in one or more sections, built on a permanent chassis 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.”

"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 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, 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 a walled and roofed building, including a
gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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

The term does not, however, include either:

(i) Any project for improvement of a structure to correct previously identified existing
violations 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."

"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.

"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 Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Yakima County, Washington and Incorporated Areas," dated October 21, 2021, with accompanying Flood Insurance Rate 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 are on file and available for public inspection at 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. All development within special flood hazard areas 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 Administrator 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 Floodplain Administrator. The mayor of the city of Selah, or the mayor’s designee, is designated as the 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 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 Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer 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) 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 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 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, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. 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 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 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, placed on sites are required to either:

(A) Be on the site fewer than one hundred eighty consecutive days; 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).


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.)


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.

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.)