

ORDINANCE NO. 1265

CITY OF LACEY

AN ORDINANCE RELATING TO THE CITY'S FLOOD PLAIN REGULATIONS, AMENDING SECTIONS 14.34.010, 14.34.030, 14.34.100, 14.34.120, 14.34.130, 14.34.135 AND 14.34.140 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, Chapter 14.34 of the Lacey Municipal Code contains the City's Flood Plain Regulations and in order to be in compliance with the current regulations of the National Flood Insurance Program modifications are necessary to such regulations,

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, as follows:

Section 1. Section 14.34.010 of the Lacey Municipal Code is hereby amended to read as follows:

**14.34.010 Definitions.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

A. "Appeal" means a request for a review of the building official's interpretation of any provisions of this chapter or a request for a variance.

B. "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

C. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A and V.

D. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100 year flood.” Designated on Flood Insurance Rate Maps by the letters A or V.

E. “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

EF. “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 or drilling operations or storage of equipment or materials located within the area of special flood hazard.

G. “Elevation Certificate” means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with section B completed by Community Officials.

FH. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

GI. “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

HJ. “Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

IK. “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.

JL. “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.

KM. “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles 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.

LN. “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.

MO. “New construction” means structures for which the “start of construction” commenced on or after the effective date of this chapter.

NP. “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 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 state 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.

OO. “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground.

R. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

1. Before the improvement or repair is started; or

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

The term does not, however, include either:

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

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

Section 2. Section 14.34.030 of the Lacey Municipal Code is hereby amended to read as follows:

**14.34.030 Basis for establishing the areas of special flood hazard.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the city of Lacey,” dated January 1980, with accompanying Flood Insurance Rate Maps (FIRM) is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are is on file at City Hall, 420 College Street S.E. The best available information for flood hazard area

identification as outlined in Section 14.34.100 shall be the basis for regulation until the new FIRM is issued that incorporates data utilized under section 14.34.100.

Section 3. Section 14.34.100 of the Lacey Municipal Code is hereby amended to read as follows:

**14.34.100 Duties and responsibilities of the building official.** Duties of the building official shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
3. 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 14.34.140(A) are met.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 14.34.030, the building official 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 14.34.130 and 14.34.140.

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study or required in Section 14.34.100(B), obtain and record the actual elevation (in relation to

mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

2. For all new or substantially improved floodproofed non-residential structures:
  - a. Verify and record the actual elevation (in relation to mean sea level), to which the structure was floodproofed, and
  - b. Maintain the floodproofing certifications required in Section 14.34.080(C);
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

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

E. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards.

Section 4. Section 14.34.120 of the Lacey Municipal Code is hereby amended to read as follows:

**14.34.120 General standards for flood hazard protection.** In all areas of special flood hazards, the following standards are required:

A. Anchoring.

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

B. Construction Materials and Methods.

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

C. Utilities.

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



2. Water wells shall be located on high ground that is not in the floodway;

23. 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

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

D. Subdivision Proposals.

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

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

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

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty lots or five acres (whichever is less).

E. Review of Building Permits. Where elevation data is not available, 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 the highest adjacent grade in these zones may result in higher insurance rates.

Section 5. Section 14.34.130 of the Lacey Municipal Code is hereby amended to read as follows:

**14.34.130 Specific standards.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 14.34.030 or 14.34.100(B), the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more ~~to or~~ above the base flood elevation (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.

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 or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below a point one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified 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;
4. Nonresidential structures that are elevated but not floodproofed must meet the same standards for space below the lowest floor as described in Section 14.34.130(A)(2);
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated at the base flood level).

C. Manufactured Homes. All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 14.34.120(A)(2). This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except 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.

D. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

1. Be on the site for fewer than 180 consecutive days, (or)

2. Be fully licensed and ready for highway use, on it's wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

3. Meet the requirements of 5.2-3 above the elevation and anchoring requirements for manufactured homes.

Section 6. Section 14.34.135 of the Lacey Municipal Code is hereby amended to read as follows:

**14.34.135** AE and A1-30 zones with base flood elevations but no floodways. In areas with base flood elevations (but 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 communities 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 1 foot at any point within the community.

Section 7. Section 14.34.140 of the Lacey Municipal Code is hereby amended to read as follows:

**14.34.140 Floodways.** Located within areas of special flood hazard established in Section 14.34.030 are areas designated as floodways. Since the floodway is an extremely hazardous

area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:


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, reconstruction, or repair is started, or
  - b. If the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes specifications which have been identified by the local code enforcement official and which are minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent.

C. If Section 14.34.140(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.34.120.


Section 8. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,  
WASHINGTON, at a regularly-called meeting thereof, held this 8th day of  
JUNE, 2006.


CITY COUNCIL

By:   
Mayor

Approved as to form:

  
City Attorney

Attest:

  
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE 1265

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on JUNE 8, 2006, Ordinance No. 1265, entitled "AN ORDINANCE RELATING TO THE CITY'S FLOOD PLAIN REGULATIONS, AMENDING SECTIONS 14.34.010, 14.34.030, 14.34.100, 14.34.120, 14.34.130, 14.34.135 AND 14.34.140 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Flood Plain Regulations of the City of Lacey are contained within Chapter 14.34 of the Lacey Municipal Code. After adoption of these regulations, the standards of National Flood Insurance Program have been modified. Therefore, this Ordinance makes modifications to the City's regulations in order that flood insurance will be available within the City limits in accordance with the National Flood Insurance Program.
2. The Ordinance amends several of the definitional sections of the City's regulations and modifies the provisions regarding the review of building permits, residential construction, the placement of recreational vehicles, specific provisions for the AE and A1-30 Zones and the provisions regarding floodways.
3. The Ordinance adopts this Summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: JUNE 12, 2006.