

ORDINANCE NO. 1398

CITY OF LACEY

AN ORDINANCE RELATING TO FLOOD HAZARD PREVENTION, AMENDING SECTIONS 14.34.010, 14.34.020, 14.34.030, 14.34.080, 14.34.082, 14.34.084, 14.34.086, 14.34.100, 14.34.110, 14.34.120, 14.34.130, 14.34.135 AND 14.34.140, ADDING NEW SECTIONS 14.34.145 AND 14.34.160 ALL TO THE LACEY MUNICIPAL CODE, DECLARING AN EMERGENCY AND APPROVING A SUMMARY FOR PUBLICATION.

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.~~

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

~~F.E.~~ “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 or removal of substantial amounts of vegetation, or alteration of the natural site characteristics.

GF. "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.

HG. "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.

H. "Flood Hazard Area" see "Area of Special Flood Hazard".

I. "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.

J. "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.

K. "Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

L. "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.

M. "New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

N. "Protected area" means the lands that lie within the boundaries of the floodway, and the riparian habitat zone, and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the protected area.

NO. "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 beyond the state of excavation.

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, footing, piers, or foundations 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.

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

PQ. “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.

QR. “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 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.

RS. “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 14.34.020 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.020 Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Lacey. Areas of Special Flood Hazards include zones A, AE and VE as designated on referenced Flood Insurance Rate Maps.

Section 3. 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,~~ Thurston County, Washington and incorporated Areas” dated ~~January 1980~~ October 16, 2012 and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) dated October 16, 2012, and any revisions thereto is-are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at the Lacey 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 4. Section 14.34.080 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.080 Establishment of development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 14.34.030. The permit shall be for all structures permitted as an exemption under 14.34.082 and for all other development including fill and other activities, also as set forth in the “definitions.” Application for a development permit shall be made on forms furnished by the building official and may include, but not be 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, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 14.34.130(B) and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section 5. Section 14.34.082 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.082 Prohibition on development within ~~designated flood hazard areas~~ Areas of Special Flood Hazard. Because of the potential hazard to life and property and the restrictions already in place related to sensitive areas on those lands designated as flood hazard within the City of Lacey, development as defined in 14.34.010 shall be prohibited on lands designated as flood hazard areas with only a few ~~exceptions~~ exemptions. Exemptions are listed below and must meet requirements of section 14.34.084:

- A. Trails and recreational improvements for public access to water bodies consistent with the City Comprehensive Plan for Outdoor Recreation and the City Shoreline Master Program, if applicable.
- B. Public works projects involving the provision or transmission of a utility where no alternative routing options are reasonable.
- C. Public works projects consistent with the City Transportation Plan where no alternative routing options are reasonable.
- D. Maintenance activities and improvements to pre-existing structures that do not increase the footprint of ~~area located within a flood hazard area, the structure.~~
- E. Public activities and improvements approved by the City of Lacey determined to be in the public's best interest.

Section 6. Section 14.34.084 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.084 General requirements applicable to exemptions permitted in section 14.34.082. All ~~exceptions~~ exemptions to the siting prohibitions listed in section 14.34.082 shall meet the following requirements:

- A. All applicable requirements of this chapter are satisfied.
- B. It does not increase the risk of flood hazard or displace flood waters to adjacent sites.
- ~~C. The improvement meets requirements of FEMA for flood protection.~~
- ~~D.~~ The improvement has no impact to critical habitat or any impacts are fully mitigated as determined by the Washington State Department of Fish and Wildlife.
- ~~E.~~ Any impact to the Riparian habitat zone (RHZ) is fully mitigated and all critical area buffers and standards of LMC 14.28 (wetland Protection), 14.33 (habitat conservation areas) and 14.32 (tree and vegetation protection and preservation ordinance) are satisfied. This includes a 200 foot buffer along Woodland Creek which exceeds the distance of Woodland Creek's Channel Migration Zone (CMZ) by a distance greater than 50 feet.

~~FE~~. Stormwater and drainage feature shall incorporate low impact development techniques that mimic pre-development hydrological conditions, when technically feasible.

~~GF~~. Creation of new impervious surfaces shall not exceed 10 percent of the surface area of the portion of the lot in the floodplain unless mitigation is provided.

~~HG~~. Any loss of floodplain storage shall be avoided, rectified or compensated for. Any compensation off site must be in a priority floodplain restoration area identified in the associated ESU Recovery Plan for listed species.

~~H~~. Uses that are not permitted in the protected area because they can adversely affect water quality, habitat and other natural values and functions, include:

1. Septic tanks and drainfields;
2. Dumping of any materials;
3. Hazardous or sanitary waste landfills;
4. Receiving areas for toxic or hazardous waste;
5. Other contaminants.

~~H~~. Uses shall comply with the City's tree and vegetation protection and preservation ordinance (LMC 14.32) which prohibits the removal of vegetation within critical areas or associated buffers. Minimal unavoidable disturbances may be permitted if fully mitigated.

~~KJ~~. Development may not adversely impact water quality, water quantity, flood volume, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids. Any project with impacts to these elements of the environment that are not fully mitigated will be prohibited

~~LK~~ Where an area is under the jurisdiction of the Shoreline Master program (SMP) all requirements for protection of the natural functions and values shall be satisfied. This includes prohibition on location of new development requiring armoring for protection against natural shoreline processes and flooding.

~~ML~~. New road crossing over streams in the floodplain or buffers associated with wetlands within designated flood hazard areas is prohibited ~~as a compliance standard under FEMA requirements~~.

Section 7. Section 14.34.086 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.086 Administrative requirements. Any application or permit for exemption under the provisions of 14.34.082 and 14.34.084 shall meet the following process and tracking requirements:

A. The application for a permit to develop in the affected area must include the elevations of the 10, 50 and 100 year floods, where such data is available.

B. The applicant must record a Notice of Title that the property contains land within the RHZ and/or ~~100-year floodplain area of special flood hazard, if applicable~~, before a permit may be issued.

C. The permit will be tracked to consider cumulative impacts to flood storage capacity and fish habitat and mitigation shall be required for all identified impacts. If the proposed project is in an area of special flood hazard and will increase the Base Flood Elevation, a Conditional Letter of Map Revision shall be submitted on an MT-2 form by the applicant. After project completion, if the Base Flood Elevation increases or decreases a Letter of Map Revisions (LOMR) shall be submitted on a MT-2 form by the applicant.

Section 8. 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 ~~area of special flood hazard floodplain~~ or floodway. If located in the ~~floodplain area of special flood hazard~~ or floodway, assure that permits are ~~not issued-denied or meet exemption requirements~~ according to the provisions of this chapter. If located in a floodway, assure that the encroachment provisions of 14.34.140 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, FIRM or is required under 14.34.100B, obtain and record the actual (as-built) elevation in

relation to mean sea-level of the lowest floor (including basement) of all new and substantially improved structures and whether or not the structure has a basement. The information shall be recorded on a current elevation certificate with Section B completed by the local official.

—4 2. For all new or substantially improved floodproofed non-residential structures where base flood elevation data is provided through the FIRM, FIS, or as required in Section 14.34.100B:

a. Verify and record the actual elevation (in relation to mean sea level), to which the structure was flood proofed. ensure the structure will not be within a designated floodplain or floodway, and

b. Maintain the floodproofing certification required in 14.34.130B.

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

1. Except in cases where the city or state or federal government undertakes public works projects for the benefit of the general public; alteration or relocation of any watercourses is prohibited;

2. In cases where a city, state, or federal government entity undertake such a project all appropriate city, state, and federal permits and approvals shall be required. All identified impacts shall be fully mitigated.

3. In cases of city, state, or federal government project the building official shall notify adjacent 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;

4. In the case of a city, state, or federal government project the building official shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished and all habitat functions maintained.

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 8. Section 14.34.110 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.110 Variance procedures. Variations from the terms of this chapter will be issued only in accordance with Section 1910.6 of the Federal Regulations (Title 24 CFR) 44 CFR Section 60.6 of the Rules and Regulations and the variance procedures and requirements of LMC 16.90.005 as well as the additional variance provisions:

A. Generally, the only condition under which a variance from the elevation standard may be issued is for substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

B. Variances shall not be issued within a designated floodway if any increase in flood level during the base flood discharge would result.

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

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. 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, or conflict with existing local laws or ordinances.

E. 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 flood elevations should be quite rare.

F. 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 14.34.110.1, and otherwise complies with Sections 14.34.120A, 14.34.120C, and 14.34.120D of the General Standards.

G. Any applicant to whom a variance is granted shall be given written notice that the (substantially improved structure) permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increase

risk.

H. The provisions of this ordinance which are for the protection of the safety, health and welfare of the general public are demonstrated to not be applicable to the subject property and therefore should not be applied.

Section 9. 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 applicable to exemptions of Section ~~14.34.080~~ 14.34.082 and 14.34.084. In all areas of special flood hazards, the following standards are required:

A. Anchoring.

1. All new construction permitted under section 14.34.082, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

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;

3. 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

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

D. SUBDIVISION PROPOSALS.

1. Subdivision of areas of special flood hazard for the purpose of developing residential structures is prohibited. Where special flood hazard areas are part of an ownership with an area outside of the special flood hazard area that can be subdivided, flood hazard areas shall be designated and deeded as open space. Open space areas within a flood hazard area shall be deeded to either the subdivision lot owners association, the City of Lacey, or other public entity for protection and preservation, at the sole discretion and determination of the City of Lacey.

~~Review of Building Permits. Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction is out of a designated flood hazard area and 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.~~

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

3. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed outside of the area of special flood hazard.

4. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

5. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

Section 10. Section 14.34.130 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.130 Specific standards for pre-existing use exemptions . 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. Substantial improvement of any pre-existing residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE); and shall not be permitted in the floodway (see Section 14.34.140(B)).

a. The substantial improvement will not increase the footprint of the structure.

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. 3. Substantial improvements are only allowed as permitted by listed exemptions in section 14.38.082. Where a pre-existing structure is involved, maintenance or improvements shall not increase the footprint of the structure (14.34.082). of any pre-existing 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:~~

B. Nonresidential Construction.

~~1. Substantial improvement of any pre-existing commercial, industrial or other nonresidential structure and new structures permitted as an exemption identified in section 14.34.082 and 14.32.084, shall have either 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. a. 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. b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~

~~3. c. 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. d. 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. e. The footprint of a pre-existing structure shall not be increased (14.34.082)~~

~~6. f. 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).

2. Substantial improvements are only allowed as permitted by listed exemptions in section 14.38.082. Where a pre-existing structure is involved, maintenance or improvements shall not increase the footprint of the structure (14.34.082).

C. Manufactured Homes.

1. All manufactured homes are prohibited in the area of special flood hazard.

D. Recreational Vehicles.

1. Recreational vehicles placed on sites in areas of special flood hazard shall be full licensed and ready for highway use, on wheels or jacking systems, attached to the site by only quick disconnect type utilities and security devices and have no permanently attached additions.

Section 11. 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, except as permitted by section 14.34.082 Exemption Prior to issuing a permit, it must be demonstrated that the cumulative effect of the proposed development, when combined with all other existing an anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Section 12. 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; except as permitted by 14.34.082, Exemptions. Prior to permitting, the proposed encroachment must be certified by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Construction, ~~or reconstruction,~~ or substantial improvement, of residential structures is prohibited within designated floodways.

C. If Section 14.34.140(A) is satisfied, all new construction and substantial improvements shall comply with 14.34.120 and 14.34.130.

Section 13. There is hereby added to the Lacey Municipal Code a new section, 14.34.145 to read as follows:

14.34.145 Coastal High Hazard – Zone VE

A. All new construction and substantial improvements in shall be prohibited, with the exception of exemptions provided for under 14.34.082 and 14.34.084 and Lacey’s Shoreline Master Program, and must meet the following requirements:

1. All new construction and substantial improvements shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and

2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

3. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section 2)14.34.145(A)(1) and (2).

4. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in and whether or not such structures contain a basement. The Building Official shall maintain a record of all such information.

B. All new construction, permitted as an exemption in 14.34.082 and 084 shall be located landward of the reach of mean high tide.

C. Provide that all new construction and substantial improvements, permitted as an exemption listed in 14.34.082, have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot by design or when so required by

local or State codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood.

2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

3. If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

D Prohibit the use of fill for structural support of buildings.

E. Prohibit man-made alteration of sand dunes which would increase potential flood damage.

F. Manufactured homes are prohibited.

G. Recreational vehicles shall be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

Section 14. There is hereby added to the Lacey Municipal Code a new section, 14.34.160 to read as follows:

14.34.160 Severability. If any section, clause, sentence or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this chapter.

Section 15. Emergency. In order to comply with the revised Flood Insurance Study and Final Flood Insurance Rate Maps for Thurston County adopted by the Federal Emergency Management Agency (FEMA), it is required that this ordinance be in effect as of October 16, 2012. Therefore, passage of this ordinance constitutes a public emergency because it is necessary for the protection of public health and safety and shall be effective upon adoption.

Section 16. 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 11th day of October,
2012.

CITY COUNCIL

By: Wayne R. Albrecht
Mayor

Approved as to form:

[Signature]
City Attorney

Attest:

Carol Litten
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE 1398

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on October 11, 2012, Ordinance No. 1398, entitled "AN ORDINANCE RELATING TO FLOOD HAZARD PREVENTION, AMENDING SECTIONS 14.34.010, 14.34.020, 14.34.030, 14.34.080, 14.34.082, 14.34.084, 14.34.086, 14.34.100, 14.34.110, 14.34.120, 14.34.130, 14.34.135 AND 14.34.140, ADDING NEW SECTIONS 14.34.145 AND 14.34.160 ALL TO THE LACEY MUNICIPAL CODE, DECLARING AN EMERGENCY AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance makes changes to Lacey Municipal Code Chapter 14.34, the City's Flood Hazard Ordinance in order to comply with the revised Flood Insurance Study and Final Flood Insurance Rate Maps for Thurston County including the City of Lacey.
2. The Ordinance declares an emergency in order that such Ordinance shall be effective prior to October 16, 2012, the effective date of the new FEM regulations.
3. The Ordinance approves 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: October 15, 2012.