

ORDINANCE NO. 1654

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATED TO FLOOD HAZARD PREVENTION, AMENDING SECTIONS 14.34.010, 14.34.080, 14.34.090, 14.34.100, 14.34.120, 14.34.130 AND 14.34.140, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the City of Lacey has participated in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) since 1980; and

WHEREAS, the United States Congress created the NFIP to minimize the rising disaster relief costs and to reduce the loss of life and property caused by flooding; and

WHEREAS, the NFIP is a voluntary program that provides reasonably-priced flood insurance to participating communities; and

WHEREAS, participation in the NFIP requires the City to conform its flood hazard prevention regulations to current federal and state standards and to adopt FEMA's updated countywide Federal Insurance Rate Maps (FIRMs) and Federal Insurance Studies (FIS); and

WHEREAS, the City's flood hazard prevention regulations are codified in Chapter 14.34 of the Lacey Municipal Code (LMC); and

WHEREAS, the Washington State Department of Ecology (Ecology), in its role as the State Coordinating Agency, conducted a review of LMC Chapter 14.34 and found the regulations contained in that chapter require amendment in order to conform with federal and state standards; and

WHEREAS, the City desires to maintain its eligibility and participation in the NFIP to allow its residents and businesses to realize the benefits associated with NFIP participation; and

WHEREAS, the City’s SEPA Official determined that the proposed amendments to LMC 14.34 will not result in any probably significant adverse environmental impact; and

WHEREAS, on October 7, 2023 the Lacey Planning Commission conducted a duly advertised public hearing at which no public comments were received; and

WHEREAS, the Planning Commission voted unanimously to recommend approval of the proposed amendments to LMC 14.34; and

WHEREAS, the City Council finds that adoption of the proposed amendments to LMC 14.34 will be in the public interest.

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 as follows:

14.34.010 Definitions.

Unless specifically defined below or in Chapter 16.06 LMC, 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. “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.

B. 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.

C. “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.

D. 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. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard” Designation on maps always includes the letters A and V.

E. 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 “one-hundred-year flood.” Designated on flood insurance rate maps by the letters A or V.

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

G. E.—“Best available information” means in absence of official flood insurance rate map data, communities can use data from federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

H. F.—“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.

I. G.—“Elevation certificate” means the official form (FEMA Form 086-0-33) 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.

J. H.—“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.

3. 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.

K. I.—“Flood damages” includes harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which injuriously affect the public health and the safety of property.

L. “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).

M. J.—*Flood Hazard Area.* See “Area of special flood hazard.”

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

O. L.—“Flood insurance study” means the official report provided by the Federal Insurance and Mitigation Administration that includes flood profiles and the water surface elevation of the base flood.

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

Q. “Flood proofing” 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. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation (BFE).

R. M.—“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. Also referred to as “Regulatory Floodway.”

S. “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.

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

U. “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.

V. N.—“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 this ordinance (i.e. provided there are adequate flood ventilation openings).

W. “Mean sea level” means 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.

X. O.—“New construction” means for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or 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~~structures for which the “start of construction” commenced on or after the effective date of this chapter.~~

Y. P.—“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.

Z. “Recreational vehicle” means a vehicle:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

AA. Q.—“Replacement residential structure” means a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

BB. R.—“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 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 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.

CC. S.—“Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground. Manufactured homes are considered structures.

DD. T.—“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 fifty percent of the market value of the structure before the damage occurred.

EE. U.—“Substantial improvement” means any repair, reconstruction, rehabilitation, addition, or other 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; provided, that the alteration will not preclude the structure’s continued designation as a historic structure.

FF. V.—“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 14.34.080 of the Lacey Municipal Code is hereby amended 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 LMC 14.34.030. The permit shall be for all structures permitted as an exemption under LMC 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, or 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 LMC

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.

E. Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate;

F. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and

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

Section 3. Section 14.34.090 of the Lacey Municipal Code is hereby amended as

follows:

14.34.090 Designation of the building official.

The building official is appointed to administer and implement this chapter by granting or by denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

Section 4. Section 14.34.100 of the Lacey Municipal Code is hereby amended 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 or floodway. If located in the area of special flood hazard or floodway, assure that permits are denied or meet exemption requirements according to the provisions of this chapter. If located in a floodway, assure that the encroachment provisions of LMC [14.34.140](#) are met.

[4. The site is reasonably safe from flooding;](#)

[5. Notify FEMA when annexations occur in the Special Flood Hazard Area.](#)

B. *Use of Other Base Flood Data.* When base flood elevation data has not been provided in accordance with LMC [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 LMC [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 subsection B of this section, 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.

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

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed.

b. Maintain the floodproofing certification required in LMC [14.34.130\(B\)](#).

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

[4. Certification required by Section 14.34.140\(A\) \(floodway encroachments\).](#)

[5. Records of all variance actions, including justification for their issuance.](#)

[6. Improvement and damage calculations.](#)

[7. Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.](#)

D. *Alteration of Watercourses.*

1. Except in cases where the city, 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 undertakes 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 projects 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 and Mitigation 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.

F. Review of Building Permits. Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by Section 14.34.100(B)), applications for floodplain development 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 habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)

G. Changes to Special Flood Hazard Area. If a project will alter the Base Flood Elevation or boundaries of the Special Flood Hazard Area, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the Base Flood Elevation or boundaries of the Special Flood Hazard Area would normally require a Letter of Map Change, then the project approval shall be conditioned accordingly.

Section 5. Section 14.34.120 of the Lacey Municipal Code is hereby amended as follows:

14.34.120 General standards for flood hazard protection applicable to exemptions of LMC 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 LMC 14.34.082 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. All manufactured homes shall 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.

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.

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 fifty lots or five acres (whichever is less).

E. 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.

Section 6. Section 14.34.130 of the Lacey Municipal Code is hereby amended 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 or can be reasonably obtained as set forth in LMC 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 LMC 14.34.140(B)). Mechanical equipment and utilities shall be waterproof or elevated at least one foot above the BFE.

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.

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.

Alternatively, a registered engineer or architect may design and certify engineered openings.

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

4. 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.

5. New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in 14.34.135.

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 LMC 14.34.082 and 14.34.084, shall meet the requirements of subsection 1 or 2 below.

1. Substantial improvement of any pre-existing commercial, industrial or other nonresidential structure and new structures permitted as an exemption identified in LMC 14.34.082 and 14.34.084, shall meet the requirements:

a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

Substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

b. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

c. If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Section 14.34.135.

d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall meet the requirements of section 14.34.130(A)(2).

2. If the requirements of subsection 1 are not met, then substantial improvement of any pre-existing commercial, industrial or other nonresidential structure shall meet all of the following requirements:

~~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:~~

a. 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 floodproofed to the elevation required by ASCE 24, whichever is greater;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

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;

- d. Nonresidential structures that are elevated but not floodproofed must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section;
- e. The footprint of a pre-existing structure shall not be increased (LMC 14.34.082);
- 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).

Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.

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

C. *Manufactured Homes.*

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

D. *Recreational Vehicles.*

- 1. Be on the site for fewer than 180 days; or
- 2. Recreational vehicles placed on sites in areas of special flood hazard shall be fully 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; or
- 3. Meet the requirements of 14.34.130(C), above.

E. 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.

F. Detached Accessory Structures (Detached garages and small storage structures).

1. Detached accessory structures 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. In special flood hazard areas other than coastal high hazard areas (Zones A, AE, AH, AO, and A1-30), the structure is not larger than a one-story two-car garage;

b. In coastal high hazard areas (Zones V, VE, V1 30, and VO), the structure is not larger than 100 sq. ft. in area;

c. The portions of the structure located below the BFE must be built using flood resistant materials;

d. The structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

e. Any machinery or equipment servicing the structure must be elevated or floodproofed to or above the BFE;

f. The structure must comply with floodway encroachment provisions in Section 14.34.140(A);

g. The structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 14.34.130(A)(2);

h. The structure shall have low damage potential;

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

j. The structure shall not be used for human habitation.

Section 7. Section 14.34.140 of the Lacey Municipal Code is hereby amended as

follows:

14.34.140 Floodways.

Located within areas of special flood hazard established in LMC 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, are prohibited; except as permitted by LMC [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, reconstruction, or substantial improvement of residential structures is prohibited within designated floodways.

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with LMC [14.34.120](#) and [14.34.130](#).

D. If Section 14.34.140(A) is satisfied or construction is allowed pursuant to Section 14.34.140(B), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.34.120, General standards for flood hazard protection.

Section 8. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 10. 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 ____ day of _____, 2023.

CITY COUNCIL

By: Andy Olbya

Mayor

Approved as to form:

Mark Sharp for David Schneider
City Attorney

Attest:

Jana Colucci
City Clerk

SUMMARY FOR PUBLICATION
ORDINANCE NO 1654
CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on December 21, 2023, Ordinance No. 1654, entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATED TO FLOOD HAZARD PREVENTION, AMENDING SECTIONS 14.34.010, 14.34.080, 14.34.090, 14.34.100, 14.34.120, 14.34.130 AND 14.34.140, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance amends certain sections of Chapter 14.34 of the Lacey Municipal Code to conform its flood hazard prevention regulations to current federal and state standards.
2. 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: December 24, 2023.