

Chapter 19.50 – FLOOD MANAGEMENT OVERLAY DISTRICT

Section 19.50.010 - Declaration of Intent.

It is the purpose of this zoning district to minimize public and private losses due to flood conditions in specific areas designated by the County, and the Federal Insurance Administration and the accompanying Flood Insurance Rate Maps (FIRM), and as may be subsequently amended. This zoning district overlays present or future districts also associated with the property designated on the Flood Insurance Maps which are adopted as part of this Title by reference and does not add to the specified uses, but, may restrict certain specified uses. This district is intended to meet the requirements of the federal government to maintain the County's eligibility for resident participation in the flood insurance program.

Section 19.50.020 - Compliance.

No structure or land area shall hereafter be constructed, located, extended, converted or altered without full compliance with this district and the district it may overlay.

Section 19.50.030 - Abrogation and Greater Restrictions.

The provisions of this district are not intended to repeal, abrogate or impair any existing easements, covenants, deed restrictions or zoning. However, where this district and another district, easement, covenant or deed restriction conflict, or overlap, whichever imposes the more stringent restrictions consistent with flood protection, shall prevail.

Section 19.50.040 - Warning and Disclaimer of Liability.

Flooding may occur to such an unpredictable extent that lands or uses outside of the designated flood plain are affected. The creation of this district does not imply that all areas outside of the district will always be safe from flooding.

Therefore, the establishment of this district shall not create liability on the part of the county, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this district's provisions or any administrative decisions lawfully made thereunder.

Section 19.50.050 - Permitted Uses.

Within the special flood hazard area, all uses permitted as specified in the zoning district overlaid by the Flood Plain Zoning District. However, those uses are subject to the development permit process described in Section 19.50.060 and to special building code requirements.

IN ADDITION, areas within the designated floodway are subject to additional restrictions since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion:

Encroachments, including fill, new construction, substantial improvements, and other development in the floodway are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during a base flood discharge. In addition, the developer and the developer's professional engineer licensed in the State of Washington shall be responsible for periodic inspections, routine channel clearing and other related functions of the altered floodway's maintenance. (Adopted May, 2003; Resolution No. 061233)

Section 19.50 060 - Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be for all "structures" including mobile homes, as defined in Section 19.03.420, and for all other "development" including fill and other activities, as defined in Section 19.03 180. Application for a development permit shall be made on forms furnished by the County Planning office 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:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed where available flood data relates to depth of flood waters rather than height above mean sea level (e.g. the A-O Zone of the Flood Insurance Rate Map), then the depth of the 100-year flood should be substituted for elevation data;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 19.50.070;
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Adopted May, 2003; Resolution No. 061233)

Section 19.50.065 – Permit Review.

1. Review all development permits to determine that the requirements of this Chapter have been satisfied.
2. It is the applicant's responsibility to seek and obtain all of the other Federal, State, or local agency permits that must be obtained for the project. Although Whitman County may use the SEPA or other notification process to inform other jurisdictions and agencies, Whitman County is not liable for the applicant's failure to obtain these permits. The failure of the applicant to obtain these other permits, when brought to Whitman County's attention, is basis for rescinding the County permit. (Adopted May, 2003; Resolution No. 061233)

Section 19.50.070 - Development Standards.

1. Due to the inherent dangers of development with a special flood hazard area, special development, construction and installation standards are necessary. Compliance with these standards must be assured before a Development Permit will be issued.

These special development requirements shall apply within flood plain areas subject to special flood hazards as shown on the Flood Insurance Rate Map prepared by or for the Federal Insurance Administration and which are discussed within the Flood Insurance Study prepared by or for the Federal Insurance Administration; or, have otherwise been delineated by the County. The map and study are available through the County Engineer's office.

2. 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 mobile/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 flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
3. 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 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 reduced exposure to flood damage;
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

e. REVIEW OF BUILDING PERMITS:

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 19.04.010-5), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

3. In addition to meeting the requirements of Sections 1 and 2 of this part of the Code, the following standards shall also apply where the anticipated elevation of a flood having a 100 year or more frequent expectation of occurrence, has been developed and shown on a map or in a report adopted by the County.

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 above base flood elevation. (Adopted May, 2003; Resolution No. 061233)

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 floodwater. 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. NON RESIDENTIAL CONSTRUCTION:

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below 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; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted

standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the County Engineer.

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 19.50.070(3)(a).

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 constructed to the base flood level will be rated as one foot below that level). (Adopted May, 2003; Resolution No. 061233)

c. MOBILE/MANUFACTURED HOMES:

All mobile/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 one foot or more above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 19.50.070(2)(a)(ii)(2).

(Adopted May, 2003; Resolution No. 061233)

d. Critical Facility:

Construction of new critical facilities shall be, to the extent possible, located outside of the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet. Access to and from the critical facility should also be protected to that height. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of base flood elevation shall be provided to all critical facilities to the extent possible.

e. Recreational Vehicles:

Recreational vehicles by Whitman County code are allowed in locations where RV Parks, storage and campgrounds have been permitted. In general, these facilities are not and have not been allowed within flood hazard areas. If a permit is granted to allow RV sites within a floodplain, the following additional requirements apply:

1. The RV can be on-site for fewer than 180 consecutive days;
2. The RV must be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (Adopted May, 2003; Resolution No. 061233)

Section 19.50.080 - Variance Standards.

Refer to Chapter 19.06, Section 030.