

Chapter 15.55

FLOOD HAZARD PROTECTION

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Article 1. General

15.55.010 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare by managing development in order to:

- A. Protect human life, health and property from the dangers of flooding;
- B. Minimize the need for publicly funded and hazardous rescue efforts to save those who are isolated by flood waters;
- C. Minimize expenditure of public money for costly flood damage repair and flood control projects;
- D. Minimize disruption of commerce and governmental services;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in the floodplain;
- F. Maintain a stable tax base by providing for the sound use of flood-prone areas so as to minimize future flood blight areas;
- G. Encourage those who occupy areas subject to flooding to assume responsibility for their actions; and
- H. Qualify the city of Aberdeen for participation in the National Flood Insurance Program, thereby giving citizens and businesses the opportunity to purchase flood insurance.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.020 Penalties for noncompliance.

- A. No development shall be undertaken or placed in the areas regulated by this chapter without full compliance with the terms of this chapter and other applicable regulations.
- B. The city of Aberdeen, through its authorized agents, may initiate injunction, abatement proceedings or any other appropriate civil action in the courts against any person who violates or fails to comply with any provision of this chapter. In addition, each violation of or failure to comply with the provisions of this chapter shall be a civil violation which shall be imposed and collected in the same manner as provided for in Chapter [1.12](#).
- C. In addition to incurring civil liability under subsection [\(B\)](#) of this section, violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with the provisions), shall constitute a misdemeanor. Each violation or each day of continued unlawful activity shall constitute a separate violation. Any person who violates this chapter, or fails to comply with any of its requirements, shall upon conviction be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.030 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the city;
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.040 Abrogation and greater restrictions.

Where a provision of this chapter and another code, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.050 Warning and disclaimer of liability.

The degree of property protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the regulated areas, or development permitted within such areas, will be free from flood damage. This chapter shall not create liability on the part of the city of Aberdeen or any officer or employee of the city for any damage to property or habitat that results from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 6605 § 2, Added, 01/25/2017)

Article 2. Definitions

15.55.060 Definitions.

Unless specifically defined below, terms 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.

“Base flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year (also referred to as the “one hundred (100) year flood”). The area subject to the base flood is the special flood hazard area designated on flood insurance rate maps as Zones “A” or “AE.”

“Base flood elevation” means the elevation of the base flood in relation to the North American Vertical Datum of 1988.

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

“Critical facility” means a facility necessary to protect the public health, safety and welfare during a flood. “Critical facilities” include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances intended for household use).

“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.

“Elevated building” means a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. A building on a slab on grade foundation is not considered an elevated building.

“Elevation Certificate” means the official form (FEMA Form 81-31) used to provide elevation information necessary to ensure compliance with provisions of this chapter and determine the proper flood insurance premium rate.

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

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

“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Emergency Management Agency that includes the flood insurance rate map, floodway data, and base flood elevations.

“Floodplain administrator” means the community development director or the director’s designee.

“Floodway” means the channel of a stream or other nontidal 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 (1) foot at any point.

“Historic structure” means a structure that is listed on the National Register of Historic Places, the Washington Heritage Register, or the Washington Heritage Barn Register, or has been certified to contribute to the historical significance of a registered historic district.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement or crawlspace). 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 structure’s lowest floor; provided, that such enclosure is compliant with Sections [15.55.270\(F\)](#) and [\(H\)](#).

“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 attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

“NAVD88” means the North American Vertical Datum of 1988. Unless otherwise noted, all elevations referred to in this chapter are in relation to NAVD88.

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

“Recreational vehicle” means a vehicle which meets all four (4) of the following criteria:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by an automobile or light duty truck;

4. Designed primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use, not as a permanent dwelling.

“Special flood hazard area (SFHA)” means the land subject to inundation by the base flood. Special flood hazard areas are designated on the flood insurance rate map with the letters “A,” “AE,” or “AH” and may include additional flood-prone areas designated in this chapter.

“Start of construction” includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

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

“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 (50) percent of the market value of the structure before the damage occurred. “Substantial damage” also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, rehabilitation, addition, replacement, or other improvement of a structure, taking place during a five (5) year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not include any project for improvement of a structure to correct existing violations of 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.

(Ord. 6605 § 2, Added, 01/25/2017)

Article 3. Regulatory Data

15.55.070 Special flood hazard area.

A. This chapter applies to the special flood hazard area (SFHA) and areas mapped Zone X within the jurisdiction of the city of Aberdeen. The SFHA is defined as the following areas:

1. The special flood hazard area identified by the Federal Emergency Management Agency in the scientific and engineering report entitled “Flood Insurance Study for Grays Harbor County, Washington, and Incorporated Areas” dated February 3, 2017, and any revisions thereto, with an accompanying flood insurance

rate map dated February 3, 2017, and any revisions thereto. The flood insurance study and the FIRM are on file at the office of the floodplain administrator.

2. Lands adjacent to lands in subsection [\(A\)\(1\)](#) of this section that are flooded after February 3, 2017.

B. The floodplain administrator shall compare the elevation of the site to the base flood elevation and make interpretations where needed as to the exact location of the boundaries of the SFHA and mapped Zone X.

C. A development project is not subject to the requirements of this chapter if the floodplain administrator determines that the site is located on land that is outside the SFHA and mapped Zone X, and is higher than the base flood elevation. The floodplain administrator shall inform the applicant that a building on the site may still be subject to the flood insurance purchase requirements unless the owner obtains a letter of map amendment from FEMA.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.080 Base flood elevation.

A. The floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this chapter.

B. The base flood elevations for the SFHAs of the city of Aberdeen shall be as follows:

1. In Zone AE and Zone AH on the flood insurance rate map, the base flood elevation shall be as shown in parentheses after the zone designation on the map.

2. In Zone AE where there is no elevation shown after the zone designation, the base flood elevation shall be the one (1) percent annual chance flood elevation as shown in the flood profile for the stream in the flood insurance study.

3. In Zone A where the flood insurance rate map and the flood insurance study do not provide a base flood elevation, the base flood elevation shall be determined by the city engineer using an approach approved by the Federal Emergency Management Agency for site-specific flood elevation determinations.

4. Where a flood rises higher than the base flood elevation as determined above, the base flood elevation shall be the elevation of the highest recorded flood level for that site.

(Ord. 6605 § 2, Added, 01/25/2017)

Article 4. Administration

15.55.090 The floodplain administrator.

The floodplain administrator shall administer and enforce the provisions of this chapter. In particular, the floodplain administrator shall:

- A. Review all floodplain development permits to determine that the permit requirements of this chapter have been satisfied.
- B. Review all floodplain development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- C. Review all floodplain development permits to determine if the proposed development is located in the SFHA or mapped Zone X.
- D. Ensure that all development activities within the SFHA and mapped Zone X meet the requirements of this chapter.
- E. Inspect all development projects before, during and after construction to ensure compliance with all provisions of this chapter, including proper elevation of all structures.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.100 Floodplain development permit.

- A. A floodplain development permit shall be obtained before construction or development begins within the SFHA. The permit shall be obtained for all development as defined in Section [15.55.060](#). The permit is not required within areas mapped Zone X.
- B. Activities that do not meet the definition of “development” are allowed in the SFHA without the need for a floodplain development permit under this chapter, provided all other federal, state, and local requirements are met. The following are examples of activities not considered “development” or “manmade changes to improved or unimproved real estate”:
 - 1. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
 - 2. Removal of noxious weeds and hazard trees and replacement of nonnative vegetation with native vegetation;
 - 3. Normal maintenance of structures, such as reroofing and replacing siding, provided such work does not qualify as a substantial improvement;

4. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles;
5. Normal street and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, but not including expansion of paved areas;
6. Plowing and other normal farm practices (other than structures or filling) on farms.

C. If there has been no start of construction, a floodplain development permit shall expire one hundred eighty (180) days after the date of issuance. Where the applicant documents a need for an extension beyond this period due to conditions beyond the applicant's control, the floodplain administrator may authorize one or more extensions.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.110 Floodplain development permit application.

Application for a floodplain development permit shall be made on forms furnished by the floodplain administrator. The applicant shall furnish all information required to determine compliance with the permitting requirements of this chapter. At a minimum, the application form shall require the applicant to furnish:

- A. One (1) or more site plans, drawn to scale, showing:
 1. The nature, location, dimensions, and elevations in relation to NAVD88 of the property in question;
 2. Names and location of all lakes, water bodies, waterways and drainage facilities within three hundred (300) feet of the site;
 3. The elevations of the ten (10), fifty (50), one hundred (100), and five hundred (500) year floods in relation to NAVD88, where such data is available;
 4. The boundaries of the SFHA, floodway, wetlands, shoreline buffer, critical areas, and fish and wildlife habitat conservation areas, as defined in this chapter and other ordinances of the city;
 5. The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities and roads; and
 6. Existing and proposed structures, fill, pavement and other impervious surfaces, and sites for storage of materials.
- B. If the proposed project involves grading, excavation, or filling, the site plan shall include proposed post-development terrain at one (1) foot contour intervals.
- C. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged structure, the application shall include the base flood elevation for the building site and the proposed elevations of the following, in relation to NAVD88:

1. The top of bottom floor (including basement, crawlspace, or enclosure floor);
2. The top of the next higher floor;
3. The top of the slab of an attached garage;
4. The lowest elevation of machinery or equipment servicing the structure;
5. The lowest adjacent (finished) grade next to structure;
6. The highest adjacent (finished) grade next to structure; and
7. The lowest adjacent grade at the lowest elevation of a deck or stairs, including structural support.

D. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged nonresidential structure that will be dry floodproofed, the application shall include the base flood elevation for the building site, the elevation to which the structure will be dry floodproofed, and a certification by a registered professional engineer or licensed architect that the dry floodproofing methods meet the floodproofing criteria in Section [15.55.280\(B\)](#).

E. The applicant for a project to develop in the SFHA shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development and all other past or future similar developments would not cumulatively result in an increase of flood levels during the occurrence of the base flood by more than one (1) foot.

F. The application shall include a description of the extent to which a stream, lake, or other water body, including its shoreline, will be altered or relocated as a result of the proposed development.

G. The application shall include documentation that the applicant will apply for all necessary permits required by federal, state, or local law. The application shall include written acknowledgment that the applicant understands that the final certification of use or certificate of occupancy will be issued only if the applicant provides copies of the required federal, state, and local permits or letters stating that a permit is not required. A floodplain development permit is not valid if those other permits and approvals are not obtained prior to any ground disturbing work or structural improvements.

H. The application shall include acknowledgment by the applicant that representatives of any federal, state or local unit of government with regulatory authority over the project are authorized to enter upon the property to inspect the development.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.120 Records.

- A. The floodplain administrator shall maintain copies of all development permit applications, variances, permits, inspection records, and correspondence with applicants for a floodplain development permit. All records shall be made available for public inspection.
- B. The floodplain administrator shall obtain, record, and maintain the certification required by Section [15.55.110\(D\)](#).
- C. The floodplain administrator shall obtain, record, and maintain the actual “finished construction” elevations for all new construction and substantial improvements in the SFHA in relation to NAVD88. This information shall be recorded on a current FEMA Elevation Certificate (FEMA form 81-31), signed and sealed by a professional land surveyor, currently licensed in the state of Washington. This is not required for Zone X.
- D. For all new or substantially improved dry floodproofed nonresidential structures, the floodplain administrator shall obtain, record and maintain the elevation to which the structure was floodproofed in relation to NAVD88. This information shall be recorded on a current FEMA Floodproofing Certificate (FEMA form 81-65) by a professional engineer currently licensed in the state of Washington. This is not required for Zone X.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.130 Certificate of occupancy.

- A. A certification of use for the property or a certificate of occupancy for a new or substantially improved structure or an addition shall not be issued until:
1. The permit applicant provides a properly completed, signed and sealed Elevation and/or Floodproofing Certificate showing finished construction data.
 2. The permit applicant provides the documentation required by Section [15.55.110\(G\)](#).
 3. All other provisions of this chapter have been met.
- B. The floodplain administrator may accept a performance bond or other security that will ensure that unfinished portions of the project will be completed after the certification of use or certificate of occupancy has been issued.

(Ord. 6605 § 2, Added, 01/25/2017)

Article 5. Variances and Appeals

15.55.140 Board of appeals.

In order to hear requests for variances from the provisions of this chapter and to hear appeals from decisions of the floodplain administrator there is created a board of appeals which shall be the members of the building code commission as established by Section [2.32.020](#).

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.150 Application for variances.

A. An application for a variance shall be made on forms furnished by the floodplain administrator. As a minimum, the application form shall require the applicant to identify the requirement for which the variance is requested and the applicable variance criteria in Section [15.55.160](#).

B. Upon filing of a complete application for a variance by a property owner, contractor or authorized representative of the owner or contractor, the floodplain administrator shall forward the application to the secretary of the board. The secretary of the board shall schedule a public hearing and give notice as prescribed in Section [2.18.050](#).

C. In considering applications for variances the board shall follow the procedures established for quasi-judicial hearings in Chapter [2.18](#).

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.160 Variance criteria.

A. In reviewing applications for a variance, the board of appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger to life and property due to flooding or erosion damage;
2. The danger that materials may be swept onto other lands to the injury of others;
3. The safety of access to the property in times of flood for ordinary and emergency vehicles;
4. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
5. The susceptibility of the proposed facility and its contents to flood or erosion damage and the effect of such damage on the individual owner;

6. The availability of alternative locations for the proposed use which are not subject to flooding;
 7. The relationship of the proposed use to the comprehensive plan, growth management regulations, critical area regulations, the shoreline management program, and floodplain management program for that area;
 8. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
 9. The potential of the proposed development project to adversely affect federal, state or locally protected species or habitats; and
 10. Is the minimum necessary to grant relief.
- B. No variance shall be granted to the requirements of this chapter unless the applicant demonstrates that:
1. The development project cannot be located outside the SFHA;
 2. An exceptional hardship would result if the variance were not granted;
 3. The relief requested is the minimum necessary;
 4. The applicant's circumstances are unique and do not represent a problem faced by other area properties;
 5. If the project is within a designated floodway, no increase in flood levels during the base flood would result;
 6. The project will not adversely affect features or quality of habitat supporting local, state or federally protected fish or wildlife;
 7. There will be no additional threat to public health, safety, beneficial stream or water uses and functions, or creation of a nuisance;
 8. There will be no additional public expense for flood protection, lost environmental functions, rescue or relief operations, policing, or repairs to streambeds, shorelines, banks, roads, utilities, or other public facilities; and
 9. All requirements of other permitting agencies will still be met.
- C. Variances requested in connection with restoration of a historic site, building, or structure may be granted using criteria more permissive than the above requirements, provided:
1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the site, building, or structure; and
 2. The repair or rehabilitation will not result in the site, building, or structure losing its historic designation.
- D. Variances to the provisions of Article [7](#) of this chapter (Standards for Protection of Structures) may be issued for a structure on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures

constructed below the base flood elevation, providing the other variance criteria are met. The applicant for such a variance shall be notified, in writing, that the structure (1) will be subject to increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and (2) such construction increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

E. Variances pertain to a physical piece of property. They are not personal in nature and are not based on the inhabitants or their health, economic, or financial circumstances.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.170 Decisions on variance applications.

- A. The board shall apply the criteria in Section [15.55.160](#) in determining whether a request for variance should be granted.
- B. Any decision granting a variance shall be mailed to the applicant within ten (10) days from date of decision by the secretary for the board. The decision shall include the following conditions:
1. If the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, an acknowledgment by the applicant that there is an increased risk of damages from future flooding during the life of the structure and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (see Section [15.55.160\(D\)](#));
 2. Failure to obtain a permit for construction within one (1) year, unless otherwise specified by the board, will result in loss of all rights obtained by the variance;
 3. The decision is final unless a petition for review is filed with superior court within twenty-one (21) calendar days from date of decision;
 4. Construction pursuant to the variance is not authorized until all appeals have terminated and notice of the variance has been recorded by the city;
 5. The secretary of the board shall record a notice of variance, acknowledged by the applicant, with the County Auditor upon receipt of recording fees from the applicant and after expiration of the twenty-one (21) day period for filing appeals. The notice of variance shall include conditions in subsections [\(B\)\(1\)](#) and [\(2\)](#) of this section and state that a complete copy of the variance is available upon request.
- C. Any decision denying a variance shall be mailed to the applicant within ten (10) days from the date of decision by the secretary of the board and shall include a notice that the decision shall be final unless a petition for review is filed with the superior court within twenty-one (21) calendar days from the date of decision. Upon final action denying an application for a variance, the board shall not accept further filing of an application for substantially the same variance involving substantially the same property within one (1) year from the date of denial.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.180 Appeals from decisions of the floodplain administrator.

- A. An appeal to the appeals board from a decision of the floodplain administrator must be in writing and contain the information required by Section [2.18.040](#).
- B. All appeals shall be served upon the floodplain administrator or the secretary of the board and must be filed within twenty-one (21) days of the decision which is being appealed.
- C. In considering appeals from decisions of the floodplain administrator the board shall follow the procedures established for quasi-judicial hearings in Chapter [2.18](#).

(Ord. 6605 § 2, Added, 01/25/2017)

Article 6. General Development Standards

15.55.190 Floodplain obstructions.

- A. Within the floodway as delineated in Zone AE on the flood insurance rate map:
 - 1. Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless documentation and certification by a registered professional engineer or architect is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood and the proposed improvement is in compliance with the provisions of the shoreline master program. The certification must incorporate the equal degree of encroachment approach that accounts for similar development that could be anticipated in the future.
 - 2. Construction or reconstruction of residential structures is prohibited, except for the following. The following exceptions must still meet all other requirements in this chapter, including subsection [\(A\)\(1\)](#) of this section:
 - a. Repairs, reconstruction, or improvements to a residential structure that do not increase the ground floor area, providing the cost of which does not exceed fifty (50) percent of the market value of the structure either, (1) before the repair or reconstruction is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by a local code enforcement official, and which are the minimum necessary to assure safe living conditions, or to an historic structure, may be excluded from the fifty (50) percent calculations.
 - b. Repairs, replacement, reconstruction, or improvements to existing farmhouses located in designated floodways and located on designated agricultural lands that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC [173-158-075](#);

- c. Repairs, replacement, reconstruction, or improvements to substantially damaged residential dwellings other than farmhouses that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC [173-158-076](#); or
- d. Repairs, reconstruction, or improvements to residential structures identified as historic structures that do not increase the building's dimensions.

B. In the A and AE Zones where no floodway has been delineated:

1. Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless the permit applicant provides:
 - a. A certification by a registered professional engineer that the cumulative effect of the proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point. The certification shall be done in accordance with standard engineering practices, using hydraulic and hydrologic analyses. It must incorporate the equal degree of encroachment approach that accounts for similar development that could be anticipated in the future.
 - b. A map that shows the area impacted by any increase in the level of the base flood caused by the development.
 - c. Notarized statements from the owners of the impacted properties (other than the permit applicant) that they have no objections to the increase in flood heights on their properties.
2. The provisions of subsection [\(B\)\(1\)](#) of this section do not apply to the following:
 - a. Projects that do not require a development permit as listed in Section [15.55.100\(B\)](#);
 - b. Improvements or repairs to an existing structure that do not change the structure's external dimensions;
 - c. Special flood hazard areas designated as Zone AH; and
 - d. Special flood hazard areas designated as Zone AE that are inundated by coastal flooding, which are defined as:
 - (1) Areas mapped Zone AE that are downstream of the city limits on the Chehalis River;
 - (2) Areas mapped Zone AE that are downstream of the city limits on the Wishkah River;
 - (3) Areas mapped Zone AE that are downstream of Cherry Street on Fry Creek;
 - (4) Areas mapped Zone AE that are downstream of Tyler Street on Wilson Creek; and
 - (5) Areas mapped Zone AE that are downstream of the Wishkah Road on Stewart Creek.

C. Except in areas defined in subsections [\(B\)\(2\)\(c\)](#) and [\(2\)\(d\)](#) of this section, no filling or grading shall reduce the effective flood storage volume of the SFHA. A development proposal shall provide compensatory storage if filling

or grading eliminates any effective flood storage volume. Compensatory storage shall meet the following three (3) criteria:

1. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and to the best available ten (10) year, fifty (50) year and one hundred (100) year water surface profiles;
2. Be hydraulically connected to the source of flooding;
3. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins.

D. All newly created compensatory storage areas shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.200 Alteration of watercourses.

A. In addition to the other requirements in this section, an applicant for a project that will alter or relocate a watercourse shall also submit a request for a conditional letter of map revision (CLOMR), where required by FEMA. The project will not be approved unless FEMA issues the CLOMR and the provisions of the letter are made part of the permit requirements.

B. The floodplain administrator shall notify adjacent communities and the Washington Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

C. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. If the maintenance program does not call for cutting of vegetation, the system shall be oversized at the time of construction to compensate for said vegetation growth or any other natural factor that may need future maintenance.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.210 Site design.

A. If a lot has a buildable site out of the SFHA, all new structures shall be located in that area, when possible.

B. If a lot does not have a buildable site out of the SFHA, all new structures, pavement, and other development must be sited as far from the water body as possible or on the highest land on the lot.

C. All new development shall be designed and located to minimize the impact on flood flows, flood storage, water quality, and habitat.

D. The site plan required in Section [15.55.110\(A\)](#) shall account for surface drainage to ensure that existing and new buildings on the site will be protected from stormwater runoff and the project will not divert or increase surface water runoff onto neighboring properties.

E. Whether or not within the special flood hazard area, positive drainage, including but not limited to gutters, downspouts, piping, sloping of ground, etc., shall be conveyed to the nearest storm drain system in the adjacent right-of-way per the requirements of the city engineer, if in his or her opinion such is needed to reduce impacts upon adjacent properties.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.220 Critical facilities.

A. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA.

B. Construction of new critical facilities in the SFHA shall be permissible if no feasible alternative site is available, provided:

1. Critical facilities shall have the lowest floor elevated to or above the base flood elevation plus three (3) feet or to the height of the five hundred (500) year flood, whichever is higher.
2. If there is no available data on the five hundred (500) year flood, the permit applicant shall develop the needed data in accordance with FEMA mapping guidelines.
3. Access to and from the critical facility shall be protected to the elevation of the five hundred (500) year flood.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.230 Hazardous materials.

No new development shall create a threat to public health, public safety, or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other materials that are hazardous, toxic, or a threat to water quality are prohibited from the SFHA. This prohibition does not apply to small quantities of these materials kept for normal household use. This prohibition does not apply to the continued operations of existing facilities and structures or reuse of existing facilities and structures.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.240 Utilities.

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

- B. Water wells shall be located outside the floodway and shall be protected to the base flood elevation plus two (2) feet;
- C. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- D. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.250 Subdivisions.

- A. This section applies to all subdivision proposals, short subdivisions, short plats, planned developments, and new and expansions to manufactured housing parks that are wholly or in part located in the SFHA.
- B. All proposals shall be consistent with the need to minimize flood damage.
- C. All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data.
- D. All subdivisions of land that is both in and outside the area of special flood hazard shall have all parcels platted with buildable sites on higher ground outside the area of special flood hazard. This does not apply to parcels set aside for open space or to the coastal flood areas as defined in Section [15.55.190\(B\)\(2\)\(d\)](#).
- E. All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- F. All proposals shall ensure that all subdivisions have at least one access road connected to land outside the SFHA with the surface of the road at or above the base flood elevation wherever possible. This does not apply to the coastal flood areas as defined in Section [15.55.190\(B\)\(2\)\(d\)](#).
- G. All proposals shall have adequate drainage provided to avoid exposure to water damage.
- H. The final recorded subdivision plat shall include a notice that part of the property is in the SFHA.

(Ord. 6605 § 2, Added, 01/25/2017)

Article 7. Standards for Protection of Structures

15.55.260 Applicability.

- A. The protection requirements of this article apply to all new structures and substantial improvements in the SFHA, which include:
1. Construction or placement of a new structure;
 2. Reconstruction, rehabilitation, or other improvement that will result in a substantially improved building;
 3. Repairs to an existing building that has been substantially damaged;
 4. Placing a manufactured home on a site;
 5. Placing a recreational vehicle or travel trailer on a site for more than one hundred eighty (180) days.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.270 Residential structures.

- A. New construction and substantial improvement of any residential structure within a SFHA shall have the lowest floor, including basement, elevated to or above the higher of either:
1. The base flood elevation plus two (2) feet, or
 2. An elevation one and one-half (1.5) feet above the average centerline of the adjacent street, or as determined by the city engineer if special topography conditions warrant.
- B. New construction of any residential structure within a Zone X shall have the lowest floor, including basement, elevated to or above an elevation one and one-half (1.5) feet above the average centerline of the adjacent street, or as determined by the city engineer if special topography conditions warrant. A FEMA Elevation Certificate is not required for new construction within a Zone X.
- C. The structure shall be aligned parallel with the direction of flood flows where practicable.
- D. The structure shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

- E. All materials below the base flood elevation plus two (2) feet shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife, such as creosote, are prohibited below the base flood elevation plus two (2) feet.
- F. Electrical, heating, ventilation, duct work, plumbing, and air conditioning equipment and other service facilities shall be elevated above the base flood elevation plus two (2) feet. Water, sewage, electrical, and other utility lines below the base flood elevation plus two (2) feet shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding.
- G. Fully enclosed areas below the lowest floor that are subject to flooding shall be used only for parking, storage, or building access and 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 shall either be certified by a registered professional engineer or licensed architect or meet or exceed the following minimum criteria:
1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one (1) foot above grade.
 3. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
 4. The bottom of the crawlspace or enclosed area shall be either:
 - a. At or above the lowest adjacent exterior grade; or
 - b. Less than two (2) feet below the lowest adjacent exterior grade and the height of the enclosed area, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, does not exceed four (4) feet at any point.
- H. Upon completion of the construction and before issuance of the certificate of occupancy, the permit applicant shall provide a current "finished construction" FEMA Elevation Certificate (FEMA form 81-31), signed and sealed by a professional land surveyor, currently licensed in the state of Washington.
- I. Upon completion of the construction of an elevated building and before issuance of the certificate of occupancy, the applicant shall provide a signed nonconversion agreement that acknowledges that the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design is prohibited.
1. The nonconversion agreement shall authorize the floodplain administrator to conduct inspections of the enclosed area of the building upon reasonable notice.
 2. The applicant shall record the nonconversion agreement with the County Auditor.
 3. A copy of the recorded nonconversion agreement shall be presented as a condition of issuance of the final certificate of occupancy.

4. The floodplain administrator may waive this requirement where the enclosed area is less than four (4) feet in height, measured from the floor of the enclosure to the underside of the floor system above.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.280 Nonresidential structures.

A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure within a SFHA shall be elevated in accordance with Section [15.55.270](#) to or above the higher of either:

1. The base flood elevation plus two (2) feet, or
2. An elevation one and one-half (1.5) feet above the average centerline of the adjacent street, or as determined by the city engineer if special topography conditions warrant.

B. New construction of any commercial, industrial or other nonresidential structure within a Zone X shall be elevated in accordance with Section [15.55.270](#) to or above an elevation one and one-half (1.5) feet above the average centerline of the adjacent street, or as determined by the city engineer if special topography conditions warrant. A FEMA Elevation Certificate is not required for new construction within a Zone X.

C. As an alternative to elevation, a new or substantial improvement to a nonresidential structure and its attendant utility and sanitary facilities may be dry floodproofed to the base flood elevation plus two (2) feet. A dry floodproofed building must meet the following:

1. Below the base flood elevation plus two (2) feet, the structure is watertight with walls substantially impermeable to the passage of water.
2. The structural components are capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. The plans are certified by a registered professional engineer or licensed 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. Upon completion of the construction and before issuance of the certificate of occupancy, the permit applicant shall provide an "as-built" FEMA Floodproofing Certificate (FEMA form 81-65) signed by a professional engineer currently licensed in the state of Washington.

D. Slab-on-grade structures in the SFHA may be elevated to the base flood elevation plus one (1) foot.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.290 Manufactured homes.

All manufactured homes to be placed or substantially improved on any site in the SFHA shall be:

- A. Elevated on a permanent foundation in accordance with Section [15.55.270](#); and
- B. Securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.300 Recreational vehicles.

Recreational vehicles placed on sites shall:

- A. Be on the site for fewer than one hundred eighty (180) consecutive days; or
- B. Be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- C. Meet the requirements of Section [15.55.290](#).

(Ord. 6605 § 2, Added, 01/25/2017)

15.55.310 Appurtenant structures.

- A. This section applies to accessory structures of five hundred (500) square feet or less that are used only for parking or storage in relation to the principle structure on the property.
- B. An appurtenant structure may be exempt from the elevation requirement of Section [15.55.270\(A\)](#), provided:
 - 1. It meets the requirements of Sections [15.55.270\(B\)](#), [\(C\)](#), [\(D\)](#), and [\(E\)](#);
 - 2. The walls of the structure meet the requirements of Section [15.55.270\(F\)](#); and
 - 3. The project meets all the other requirements of this chapter.

(Ord. 6605 § 2, Added, 01/25/2017)

The Aberdeen Municipal Code is current through Ordinance 6639, passed December 12, 2018.

Disclaimer: The city clerk's office has the official version of the Aberdeen Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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