

**CITY OF MONROE**  
**ORDINANCE NO. 004/2020**

AN ORDINANCE OF THE CITY OF MONROE,  
WASHINGTON, AMENDING CHAPTER 14.01 MMC FLOOD  
HAZARD AREA REGULATIONS; UPDATING FLOODPLAIN  
REGULATIONS IN ORDER TO REFLECT CURRENT  
FEDERAL AND STATE LAW; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE

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WHEREAS, the City of Monroe is a participant in the National Flood Insurance Program (NFIP); and

WHEREAS, as a participant in the NFIP, the City is required to enact certain regulations as outlined in 44 CFR 60.3 and WAC 173-158; and

WHEREAS, the City is required to adopt both the Flood Insurance Rate Maps (FIRMs), Flood Insurance Study (FIS), and to update the flood damage prevention ordinance, by June 19, 2020, in order to remain in good standing with the NFIP; and

WHEREAS, the Planning Commission held a public hearing on March 27, 2020, to consider the proposed amendments to Flood Hazard Area Regulations, and recommended adoption of the proposed amendments contained therein; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, by issuing a Determination of Non-Significance (DNS) on March 7, 2020; the appeal period ended on March 21, 2020, and no appeals were filed; and

WHEREAS, the proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on March 9, 2020. Expedited review (14 days rather than 60 days) was requested; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, the Monroe City Council, after considering all information received, has determined to adopt the amendments as provided in this ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Amendment of Chapter 14.01 MMC. Sections 14.01.020, 14.01.050, 14.01.060, 14.01.090, 14.01.100, 14.01.120, 14.01.130, 14.01.190 of the Monroe Municipal Code are hereby amended to provide in their respective entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Findings. The above recitals and the content of Agenda Bill Nos. 20-XXX and 20-XXX are hereby adopted as legislative findings in support of the amendments set forth in this ordinance. The City Council further adopts by reference the findings contained in the Planning Commission's May 11, 2020, recommendation, in Exhibit B, attached hereto and incorporated herein by reference.

Section 3. Copy to Commerce, Ecology, and FEMA. Pursuant to RCW 36.70A.106, RCW 86.16.041, and WAC 173-158-084, respectively a true and correct copy of this ordinance shall be transmitted to the Department of Commerce, Growth Management Services Division, within ten days after adoption; to the Department of Ecology; and to the Federal Emergency Management Agency.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be published as required by law, and shall take effect thirty (30) days from filing with the Department of Ecology unless disapproved thereby in writing pursuant to RCW 86.16.041 and WAC 173-158-084.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 9th day of June, 2020.

First Reading: 05/12/2020  
Adoption: 06/09/2020  
Published: 06/14/2020  
Effective: 06/19/2020

(SEAL)

ATTEST:


  
\_\_\_\_\_  
~~Rebecca R. Hasart, Interim City Clerk~~  
Gina Pfister, Deputy City  
Clerk/Authorized Designee

CITY OF MONROE, WASHINGTON:



\_\_\_\_\_  
Geoffrey Thomas, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Zach Lell (Jun 15, 2020 08:10 PDT)  
J. Zachary Lell, City Attorney

## Exhibit A

### 14.01.020 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood -control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; **and**
- I. To participate in and maintain eligibility for flood insurance and disaster relief.**

### 14.01.050 Basis for establishing the areas of special flood hazard.

~~((Areas of special flood hazard for portions of the city of Monroe covered by map panels 1100, 1377, 1380, and 1385 identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Rate Study for Snohomish County, Washington and Incorporated Areas," dated November 8, 1999, with accompanying Flood Insurance Rate Maps (FIRMs), are adopted by reference and declared to be a part of this chapter.))~~

~~((Areas of special flood hazard for portions of the city of Monroe covered by map panels 1070, 1357, 1360, and 1376 identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated September 16, 2005, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs), are adopted by reference and declared to be a part of this chapter. The Flood Insurance Studies shall be on file in the office of the city engineer, 806 West Main Street, Monroe, Washington. (Ord. 018/2017 § 2; Ord. 004/2006 § 2; Ord. 021/2005 § 1)))~~

**The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for Snohomish County, WA and Incorporated Areas” dated June 19, 2020 and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated June 19, 2020, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance.**

**The FIS and the FIRM are on file at 806 West Main Street, Monroe, Washington and shall be made available upon request.**

**The best available information for flood hazard area identification as outlined in MMC 14.01.120(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under MMC 14.01.120(B).**

14.01.060 **Compliance and** Interpretation.

**A. All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.**

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

~~((A))~~**1.** Considered as minimum requirements;

~~2.((B-))~~ Liberally construed in favor of the city’s governing body;

~~3.((C.))~~ Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.090 Definitions.

Unless specifically defined in this section, 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 it’s most reasonable application.

**“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.**

“Appeal” means a request for a review of the ~~((city engineer’s))~~ interpretation of any provision of this chapter or a request for a variance pursuant to MMC 14.01.170.**B.**

“Area of shallow flooding” means a designated **zone** AO ~~((or)), AH ((Zone on the)), AR/AO or AR/AH (or VO) on the community’s~~ Flood Insurance Rate Map (FIRM)-~~The base flood depths range from)~~ **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 ~~((indeterminate; and)),~~**where** velocity flow may be evident. ~~((AO))~~ **Such flooding** is characterized ~~((as))~~

by ponding or sheet flow ((and AH indicates ponding)). **Also referred to as the sheet flow area.**

“Area of special flood hazard” means the land in the floodplain within ((a)) **the** community subject to a one percent or greater chance of flooding in any given year. ((Designation on effective maps always includes the letter A or)) **It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR.** The term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

**“ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.**

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year; ((Also)) **(also** referred to as the “((one-hundred))**100**-year flood.” Designation on maps always includes the letters A or V.

**“Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.**

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

**“Building”:** See **“Structure.”**

**“Building Code” means the currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council and as adopted by the City of Monroe.**

**“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.**

**“Community” means The City of Monroe when referenced in this chapter.**

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

“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. “Development” also means subdivision of a parcel or parcels into two or more lots **located within the area of special flood hazard.**

**“Elevation Certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to**

determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

“Elevated Building” means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Essential Facility”: See “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Farmhouse” means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

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

1.

**a)** ~~((1))~~. The overflow of inland or tidal waters; ~~((and/or))~~

**b)** ~~((2))~~ The unusual and rapid accumulation ~~((of))~~or runoff of surface waters from any source;and/or

**c)** 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.

**2.** The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually

**high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.**

**“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).”**

“Flood Insurance Rate Map (FIRM)” means the official map **of the community**, on which the Federal Insurance ((Administration))**Administrator** 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).”**

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

**“Floodplain or flood prone area” means any land area susceptible to being inundated by water from any source. See “Flood or flooding.”**

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

**“Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.**

**“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.**

“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)) **a designated height.** **Also referred to as “Regulatory Floodway.”**

**“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.**

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

**“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.**

“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))**non-elevation** design requirements of this chapter found in MMC 14.01.130 **(i.e. provided there are adequate flood ventilation openings).**

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles. **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 or more manufactured home lots for rent or sale.

~~((O. “New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.))~~

**“Mean Sea Level” means, for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on the community's Flood Insurance Rate Map are referenced.**

**“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 the community and includes any subsequent improvements to such structures.**

**“One hundred year flood or 100 year flood”: See “Base flood.”**

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

**“Reasonably Safe from Flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.**

“Recreational vehicle” means a vehicle:

1. Built on a single chassis;
2. Four hundred 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.

“Start of construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, **rehabilitation, addition,** 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, 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. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. **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.**

“Structure” means, **for floodplain management purposes**, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, **as well as a manufactured home.**

“Substantial damage” means damage of any origin sustained by a structure for which the cost of restoration to its before damaged condition would equal or exceed fifty percent of the ~~((assessed))~~ **market** value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, ~~((or))~~ **rehabilitation, addition, or other** improvement of a structure, the cost of which equals or exceeds fifty percent of the ~~((assessed))~~ **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)) "**start**" of ((this definition)) "**construction**" of the **improvement. This term includes structures which have incurred** “substantial ((improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part)) **damage, regardless** of the ((building commences, whether or not that alteration affects the external dimensions of the structure.)) **actual repair work performed.**~~

The term does not, however, include either:

**1)** ~~((1.))~~ Any project for improvement of a structure to correct ~~((precited))~~ **previously identified** existing violations of state or local health, sanitary, or safety code specifications ~~((which))~~ **that** have been previously identified by the local code enforcement official and ~~((which))~~ **that** are the minimum necessary to assure safe living conditions; or

**2)** ~~((2.))~~ Any alteration of a "**historic** structure ~~((listed on)), "~~ **provided that** the ~~((National Register of Historic Places or))~~ **alteration will not preclude the structure's continued designation as** a ~~((State Inventory of Historic Places))~~ **"historic structure."**

“Variance” means a grant of relief **by the community** from the ~~((requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.))~~ **terms of a floodplain management regulation.**

**“Water surface elevation” means the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.**

“Water Dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reasons of the intrinsic nature of its operations.

14.01.100 Special flood hazard area development permits.

A. A special flood hazard area development permit shall be obtained before construction or development begins within any area of special flood hazard established in MMC 14.01.050. A special flood hazard area development permit shall be required for all structures, including the placement of manufactured homes.

B. Application for a special flood hazard area development permit shall be made on forms furnished by the floodplain manager 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 ~~((North American Vertical Datum of 1929))~~ mean sea level, of the lowest floor (including the basement) of all structures;
2. Elevation in relation to ~~((North American Vertical Datum of 1929))~~ mean sea level to which any structure has been floodproofed;
5. Base flood elevation data; ~~((and))~~
6. Floodway data, **including engineering analysis indicating no rise of the BFE where development is proposed in a floodway; and**

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

C. The total fee for the application shall be as established by the city council by periodic resolution. The application form must be completed and submitted with the application fee before issuance of the special flood hazard area development permit will be considered.

14.01.120 Floodplain manager – Duties and responsibilities.

Duties of the floodplain manager shall include, but not be limited to:

A. Permit Review.

1. Review all permit applications to determine that the special flood hazard area development permit requirements of this chapter have been satisfied.
2. Review all special flood hazard area development permit applications to determine that all necessary permits have been obtained from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Review all special flood hazard area development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of MMC 14.01.150 are met.
4. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in an area of special flood hazard, all new construction and substantial improvements shall (a) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (b) be constructed with materials resistant to flood damage, (c) be constructed by methods and practices that minimize flood damages, and (d) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. Review subdivision proposals and other new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in an area of special flood hazard, any such proposals shall be reviewed to assure that (a) all such proposals are consistent with the need to minimize flood damage within the area of special flood hazard, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided to reduce exposure to flood hazards.

**6. 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 MMC 14.01.050, Basis for establishing the areas of special flood hazard, the floodplain manager obtains, reviews, and reasonably utilizes any base flood elevation and floodway data available from a federal, state or other source, in order to administer MMC 14.01.130, 14.01.140 and 14.01.150.

C. Information To Be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in subsection (B) of this section, obtain and record the actual elevation (in relation to ~~((North American Vertical Datum of 1929))~~ mean sea level) of the lowest floor

(including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures:

a. Verify and record the actual elevation in relation to ((North American Vertical Datum of 1929)) mean sea level to which the structure was floodproofed; and

b. Maintain the floodproofing certifications required in MMC 14.01.100.

3. ((Maintain for public inspection all records pertaining to the provisions of this chapter.))  
**Certification required by the encroachment provisions found at MMC 14.01.150.**

**4 .Records of all variance actions, including justification for their issuance.**

**5. Improvement and damage calculations.**

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

D. Alteration of Watercourses.

1. The floodplain manager shall notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

E. Interpretation of FIRM Boundaries. The floodplain manager shall 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). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in MMC 14.01.170.

**F. Changes to Special Flood Hazard Area.**

**1. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.**

**2. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.**

14.01.130 General standards.

A. In all areas of special flood hazards, the following provisions are required:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes must 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, and those listed in FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook. The anchoring requirement is in addition to applicable requirements for resisting wind forces.

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. 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.

3. Utilities.

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

b. Water wells shall be located outside of the floodway.

c. 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.

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

4. Subdivision Proposals.

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

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

- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least fifty lots or five acres (whichever is less).

**5. Storage of Materials and Equipment**

- a. **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**
- b. **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.**

~~((5.))~~**6.** Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, 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.

B. In all areas of special flood hazards where base flood elevation data has been provided as set forth in MMC 14.01.050 or 14.01.120(B), the following provisions are required:

1. Residential Construction.

a. 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. **Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above base flood elevation.**

b. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding 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:

- i. Provide 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;
- ii. The bottom of all openings shall be no higher than one foot above grade; and

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**iv. 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.**

**c. New construction and substantial improvements 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.**

2. Nonresidential 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 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;

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

c. Have a certification 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 section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the city engineer;

d. Nonresidential structures that are elevated, but not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1) of this section;

e. 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 level will be rated as at the base flood level);

f. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding 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 meet or exceed the following minimum criteria:

i. 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, and



ii. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

**iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.**

**iv. 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.**

**g. For all new construction and substantial improvement 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.**

### 3. Manufactured Homes.

a. All manufactured homes that are placed or substantially improved (~~within zones A1-30, AH, and AE on the community's FIRM~~) on sites that are:

- i. Outside of a manufactured home park or subdivision;
- ii. In a new manufactured home park or subdivision;
- iii. In an expansion to an existing manufactured home park or subdivision; or
- iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. All manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision (~~within Zones A1-30, AH, and AE on the community's FIRM~~) that are not subject to the provisions of subsection (B)(3)(a) of this section must be elevated so that either:

- i. The lowest floor of the manufactured home **is elevated one foot or more** (~~(at or)~~) above the base flood elevation; or
- ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

### 4. Recreational Vehicles.

a. Recreational vehicles placed on sites (~~within Zones A1-30, AH, and AE on the community's FIRM~~) **are required to** either:

- i. Be on the site for fewer than one hundred eighty consecutive days;
- ii. Be fully licensed and ready for highway use; or
- iii. Meet the permit requirements of MMC 14.01.100 and the elevation and anchoring requirements for "manufactured homes" in subsection (B)(3) of this section.

b. A recreational vehicle is ready for highway use if it is 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. (Ord. 018/2017 § 4; Ord. 004/2006 § 2; Ord. 021/2005 § 1)

**5. 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.**

14.01.190 Severability.

~~((If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional 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 chapter. (Ord. 018/2017 § 6)))~~

**This chapter and the various parts thereof are hereby declared to be severable. Should any Section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.**









# Signature Requested: ORD 004-2020 Flood Hazard Area Regulations

Final Audit Report

2020-06-15

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