

ORDINANCE NO. 2022-07**AN ORDINANCE OF THE CITY OF REPUBLIC,
WASHINGTON, AMENDING CHAPTER 8.16 – FLOOD
DAMAGE PREVENTION.**

WHEREAS, the legislature of the state of Washington has delegated the responsibility to local governmental units to adopt the regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, certain flood hazard areas of the City of Republic are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, these flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas, uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, it is the purpose of this Ordinance to promote the public health, safety and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas; and

WHEREAS, in order to accomplish its purposes, this Ordinance needs to be adopted to bring the municipal code to the minimum standards to ensure compliance with the National Flood Hazard Layer (NFIP).

NOW, THEREFORE, the City of Republic, Washington, do hereby ordain as follows:

SECTION 1 – AMENDMENT.**A. RMC Section 8.16.010 – Definitions, which reads as follows:****8.16.010 - Definitions.**

For the purposes of this chapter, the following definitions shall apply:

"Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means designated as AO or AH zone on the Flood Insurance Rate Map (FIRM). AO zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO zone is characterized as sheet flow; AH zone indicates ponding, and is shown with standard base flood elevations.

"Area of special flood hazard" means the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.

"Base flood" means the flood having one percent chance of being equaled or exceeded in any given year (also referred to as the "one hundred (100) year flood"). Designated on Flood Insurance Rate Maps by the letter A or V.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"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.

"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 man-made 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.

"Elevation certificate" means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section 8.16.030(B) of this chapter, completed by community officials.

"Elevated building" means, for insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.

"Existing manufactured home park or subdivision" means a mobilehome and manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the mobilehome or 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 adopted floodplain management regulations.

"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).

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

"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.

"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 as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at Section 8.16.040(A)(4)(a) of this chapter (i.e., provided there are adequate flood ventilation openings).

"Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet wide or more in width or forty (40) body feet or more in length, or, when erected on a site, is three hundred twenty (320) square feet or more, and on which it is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. 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 occupied for dwelling or sleeping purposes.

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

"New 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 on or after the effective date of adopted floodplain management regulations.

"Recreational vehicle" means a vehicle:

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 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, placement or other improvement was within one hundred eighty (180) 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 foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"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 improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

- a. Any project for improvement of a structure to correct precited 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, or
- b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

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

Be and is hereby amended to read as follows:

8.16.010 - Definitions.

For the purposes of this chapter, the following definitions shall apply:

"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 interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a flood zone designated as AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

"Area of special flood hazard" means the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR. "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 one percent chance of being equaled or exceeded in any given year (also referred to as the "one hundred (100) year flood").

“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 subgrade (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.

"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.

"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 man-made 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, 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.

"Elevation certificate" means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the property insurance premium rate, and to support a request for a Letter of Map Amendment (LOM) or Letter of Map Revision based on fill (LOMR-F).

“Essential facility” is a term that has the same meaning as “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 adopted floodplain management regulations.

"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. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - i. The overflow of inland or tidal waters; and/or
 - ii. The unusual and rapid accumulation of runoff of surface waters from any source.
 - iii. 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 current of water and deposited along the path of the current.
- b. 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 (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 and/or of flood related erosion hazards. Also known as a Flood Insurance Study (FIS).

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

"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, buildings 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 structured 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 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 structures” means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. 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;
- c. Individually listed on a state inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior; or,
 - ii. Directly by the Secretary of the Interior in states without an approved program.

"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 as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at Section 8.16.040(A) of this chapter (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 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 or more manufactured home lots for rent or sale.

"New construction" means, for the purposes of determining insurance rates, structures for which the "Start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"New 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 on or after the effective date of adopted floodplain management regulations.

"One-hundred-year flood or 100-year flood" see "base flood".

"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, reasonable safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

"Recreational vehicle" means a vehicle:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light-duty truck; and
- d. 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, placement or other improvement was within one hundred eighty (180) 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 foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"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 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 improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the repair, reconstruction, rehabilitation, addition or other improvement is started. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the terms of a floodplain management regulation.

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

“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.

B. RMC 8.16.020 – General provisions, which reads as follows:

- A. Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Republic.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Republic," dated May 2, 2006, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at City Hall, 987 South Clark Ave., Republic, WA. The best available information for flood hazard area identification as outlined in Section 8.16.030(D)(2) of this chapter shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 8.16.030(D)(2) of this chapter.
- C. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. 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 conditions) shall be deemed a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction, be assessed a civil penalty of not more than two hundred fifty dollars (\$250.00) for each violation, and in addition, shall pay all costs and expenses involved in the case. In the case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct offense. Nothing contained in this section shall prevent the city of Republic from taking such other lawful action as is necessary to prevent or remedy any violation.
- D. Abrogation and Greater Restrictions. The ordinance codified in this chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- F. Warning and Disclaimer of Liability. The degree of flood 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 rare occasions. Flood heights may be increased by man-made or natural causes. This

chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Republic, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Be and is hereby amended to read as follows:

- A. Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Republic.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Ferry County, Washington and Incorporated Areas," dated May 2nd, 2006, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRMs) dated May 2nd, 2006, and any revisions thereto, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at City Hall, 987 South Clark Ave., Republic, WA. The best available information for flood hazard area identification as outlined in Section 8.16.030(E) of this chapter shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 8.16.030(E) of this chapter.
- C. Compliance. All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations.
- D. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. 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 conditions) shall be deemed a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction, be assessed a civil penalty of not more than two hundred fifty dollars (\$250.00) for each violation, and in addition, shall pay all costs and expenses involved in the case. In the case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct offense. Nothing contained in this section shall prevent the city of Republic from taking such other lawful action as is necessary to prevent or remedy any violation.
- E. Abrogation and Greater Restrictions. The ordinance codified in this chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. 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 governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. **Warning and Disclaimer of Liability.** The degree of flood 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 rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Republic, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
- H. **Severability.** This chapter and the various parts thereon 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.

C. RMC 8.16.030 – Administration, which reads as follows:

8.16.030 – Administration.

A. **Development Permit Required.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 8.16.020(B) of this chapter. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."

B. **Application for Development Permit.** Application for a development permit shall be made on forms furnished by and are available from FEMA/DOE and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FF 81-31) with this section completed by the local official;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 8.16.040(A)(4)(b) of this chapter;

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

C. Designation of the Local Administrator. The building official of the city of Republic or such other person designated by the mayor is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

D. Duties and Responsibilities of the Local Administrator. Duties of the local administrator shall include, but not be limited to:

1. Permit Review.

- a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 8.16.040(A)(8)(a) of this chapter are met.

2. Use of Other Base Flood Data (In A and V Zones). When base flood elevation data has not been provided (in A or V Zones) in accordance with Section 8.16.020(B) "Basis for establishing the areas of special flood hazard," of this chapter, the local 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 Sections 8.16.040(A)(6), Specific standards, and 8.16.040(A)(8), Floodways, of this chapter.

3. Information to be Obtained and Maintained.

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in subsection (D)(2) of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement recorded on a current elevation certificate (FF 81-31) with this section completed by the local official.
- b. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (D)(2) of this section:

- i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed;
- ii. Maintain the floodproofing certifications required in subsection (B)(3) of this section.
- c. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Alteration of Watercourses.

- a. 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.
- b. Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

6. Conditions for Variances.

- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases, the technical justification required for issuing the variance increases.
- b. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;

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

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

e. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

f. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, except subsection (D)(6)(b) of this section, and otherwise complies with Sections 8.16.040(A)(1), (A)(3) and (A)(6) of this chapter.

g. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

Be and is hereby amended to read as follows:

8.16.030 - Administration.

- A. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 8.16.020(B) of this chapter. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."
- B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FF 81-31) with this section completed by the Floodplain Administrator;
 - b. Elevation in relation to mean sea level to which any structure has been flood proofed;
 - c. Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 8.16.040(B)(b) of this chapter;
 - d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
 - e. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.
- C. Designation of the Floodplain Administrator. The building official of the city of Republic or such other person designated by the mayor is appointed as the floodplain administrator to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
- D. Duties and Responsibilities of the Floodplain Administrator. Duties of the floodplain administrator shall include, but not be limited to:
 - a. Permit Review. Review all development permits to determine that:
 - b. The permit requirements of this chapter have been satisfied;
 - c. All other required state and federal permits have been obtained;
 - d. The site is reasonable safe from flooding;
 - e. Notify FEMA when annexations occur in the Special Flood Hazard Area.
- E. Use of Other Base Flood Data (In A zones). When base flood elevation data has not been provided (in A Zones) in accordance with Section 8.16.020(B) "Basis for establishing the areas of special flood hazard," of this chapter, 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 Sections 8.16.040(B), Specific standards, of this chapter.
- F. Information to be Obtained and Maintained.
 - a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in subsection (E) of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement recorded on a current elevation certificate (FF 81-31) with this section completed by the local official.
 - b. For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (E) of this section:
 - i. Obtain and record the elevation (in relation to mean sea level) to which the structure was flood proofed;

- ii. Maintain the flood proofing certifications required in subsection (B)(c) of this section.
- c. Records of all variance actions, including justification for their issuance.
- d. Improvement and damage calculations.
- e. Maintain for public inspection all records pertaining to the provisions of this chapter.
- G. Notification to Other Entities.
 - a. Whenever a watercourse is to be altered or relocated:
 - i. 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 through appropriate notification means, and
 - ii. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- H. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).
- I. Review of building permits. Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source, applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
- J. Changes to Special Flood Hazard Area. If a project will alter the BFE of 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 approval shall be conditioned accordingly.

D. RMC 8.16.040 – Provisions for flood hazard reduction, which reads as follows:

A. General Standards. In all areas of special flood hazards, the following standards 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 shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

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 as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

3. 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 on high ground that is not in the floodway;
- 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.

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 or eliminate 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 developments which contain at least fifty (50) lots or five acres (whichever is less).

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source [Section 8.16.030 (D)(3) of this chapter], 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 the highest adjacent grade in these zones may result in higher insurance rates.

6. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 8.16.020(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 8.16.030(D)(2), Use of Other Base Flood Data, of this chapter, the following provisions are required:

a. Residential Construction.

i. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet or more above the base flood elevation (BFE).

ii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(B) The bottom of all openings shall not be higher than two feet above grade.

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

b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated

two feet or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- i. Be floodproofed that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 8.16.030(D)(3)(b) of this chapter;
- iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(6)(a)(ii) of this section.

c. **Manufactured Homes.** All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

d. **Recreational Vehicles.** Recreational vehicles placed on sites are required to either:

- i. Be on the site for fewer than one hundred eighty (180) consecutive days;
- ii. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- iii. Meet the requirements of subsection (A)(6)(c) of this section and the elevation and anchoring requirements for manufactured homes.

7. **AE and A1-30 Zones with Base Flood Elevations but No Floodways.** In areas with base flood elevations (but a regulatory floodway has not been designated),

no new construction, substantial improvements, or other development (including fill) shall be permitted within AI-30 and AE zones on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

8. Floodways. Located within areas of special flood hazard established in Section 8.16.020(B) of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. Construction or reconstruction of residential structures is prohibited within designated floodways, except for: (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty (50) percent of the market value of the structure, either: (A) before the repair, or reconstruction is started, or (B) 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 which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the fifty (50) percent.
- c. If subsection (A)(8)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

9. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (one hundred (100)-year floodplain). Construction of new critical facilities shall be permissible within the SFHA, if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the five hundred (500)-year flood, whichever is higher. Access to and from the critical facility should also be protected to the

height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Be and is hereby amended to read as follows:

8.16.040 - Provisions for flood hazard reduction.

A. General Standards. In all areas of special flood hazards, the following standards are required:

- a. Anchoring.
 - i. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
 - ii. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- b. Construction Materials and Methods.
 - i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - iii. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.
- c. Storage of Materials and Equipment
 - i. 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.
 - ii. 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 a flood warning.
- d. Utilities.
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

- ii. Water wells shall be located on high ground that is not in the floodway;
 - iii. 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;
 - iv. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- e. Development and Subdivision Proposals. All development, including subdivisions, shall:
 - i. Be consistent with the need to minimize flood damage;
 - ii. Have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
 - iii. Have adequate drainage provided to reduce exposure to flood damage;
 - iv. Where subdivision proposals and other proposed development contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.
- B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 8.16.020(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 8.16.030(E), Use of Other Base Flood Data, of this chapter, the following provisions are required:
 - a. Residential Construction.
 - i. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.
 - ii. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
 - iii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:
 - a. Have 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.
 - b. The bottom of all openings shall not be higher than one foot above grade.

- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
- d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwater.

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

- b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the following requirements:

- i. Meet the standards outlined in 8.16.040(B), or,
- ii. If the requirements of subsection i are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a. Be dry flood proofed so that below one foot or more above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 8.16.030(F) of this chapter;

Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 8.16.040(B)(b). Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.

- c. Manufactured Homes. All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 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.

- d. Recreational Vehicles. Recreational vehicles placed on sites are required to either:
 - i. Be on the site for fewer than one hundred eighty (180) consecutive days; or,
 - ii. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - iii. Meet the requirements of subsection 8.16.040(B)(b) above.
- e. Enclosed Area Below the Lowest Floor: If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking or vehicles, building access, or storage.
 - i. Appurtenant Structures (Detached Garages & Small Storage Structures) In A, AE, A1-30, AH, and AO flood zones, appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - a. Use of the appurtenant structure must be limited to parking or vehicles or limited storage;
 - b. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
 - c. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d. Any machinery or equipment servicing the appurtenant structure must be elevated or flood proofed to or above the BFE;
 - e. The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 8.16.040(B)
 - f. The structure shall have low damage potential,
 - g. The structure shall not be used for human habitation, and
 - h. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use.
 - ii. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 8.16.040(B).
 - iii. Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

SECTION 2 – AMENDMENT BY ADDITION.

Chapter 8.16 is hereby amended by adding the following sections:

8.16.050 – General Requirements for Other Development

All development, including manmade changes to improvement or unimproved real estate for which specific provisions are not specified in this chapter or the state building codes with adopted amendments and any City of Republic amendments, shall:

- a. Be located and constructed to minimize flood damage as follows:
 - i. Meet the encroachment limitations of this chapter if located in a regulatory floodway;
 - ii. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - iii. Be constructed of flood damage-resistant materials;
 - iv. Meet the flood opening requirements in this chapter;;
 - v. Have mechanical, plumbing, and electrical systems above the design flood elevation of meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

8.16.060 – Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (one hundred (100)-year floodplain). Construction of new critical facilities shall be permissible within the SFHA, if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the five hundred (500)-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

8.16.070 – Livestock Sanctuary Areas

Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

8.16.080 – Variances

Variances from the floodplain management standards shall only be issued if meeting all the applicable criteria in section 8.16.100(A). Variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

A. Requirements for Variances

- a. Variances shall only be issued:
 - i. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - ii. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance if the minimum necessary to preserve the historic character and design of the structure;
 - iii. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - iv. Upon a showing of good and sufficient cause;
 - v. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - vi. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This included only facilities defined in section 8.16.010 of this chapter in the definition of "Functionally Dependent Use".
- b. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- c. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided that the procedures of sections 8.16.080(A)(B) and (C) of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variance Criteria

- a. When considering variance applications, the City of Republic shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter; and,
- b. The danger that materials may be swept onto other lands to the injury of others; and

- c. The danger to life and property due to flooding or erosion damage; and
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; and
- e. The importance of the services provided by the proposed facility to the community; and
- f. The necessity to the facility of a waterfront location, where applicable; and
- g. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage; and
- h. The compatibility of the proposed use with existing and anticipated development; and
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area; and
- j. The safety of access to the property in time of flood for safety and emergency vehicles; and
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,
- l. 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, water system, and streets and bridges.

C. Additional Requirements for the Issuance of a Variance

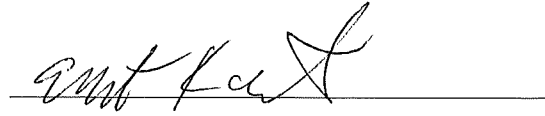
- a. Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.
- b. Any applicant to whom a variance is granted shall be given written notice over the signature of the Floodplain Administrator that:
 - i. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - ii. Such construction below the BFE increases risks to life and property.
- c. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
- d. The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.

SECTION 3. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective from and after its passage by the Council, approval by the Mayor and five (5) days after publication as required by law.

PASSED by the City Council of the City of Republic at a regular meeting on this 19
day of December, 2022.

APPROVED:




Elbert Koontz, Mayor

APPROVED AS TO FORM:

ATTEST:



Nicolas Olsen, City Clerk-Treasurer


W. Scott DeTro, City Attorney