

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONSENT AGENDA REQUEST

TO: Board of County Commissioners
Mark McCauley, County Administrator

FROM: Phil Cecere, Building Official/ Fire Marshal

DATE: 10/14/2024

SUBJECT: **HEARING NOTICE** re: An Ordinance Repealing and Replacing the Flood Damage Prevention Ordinance in Chapter 15.15 of the Jefferson County Code; Enacting a new chapter 15.15 of the Jefferson County Code and Adding State of Washington Model Flood Ordinance and Federal Emergency Management Agency Community Rating System Program Provisions; Repealing Ordinance No. 05-0513-19; and Amending Section 18.40.040 of the Jefferson County Code

STATEMENT OF ISSUE:

The Department of Community Development (DCD) requests a public hearing to update JCC Title 15 as it pertains to flood damage prevention. The proposed ordinance has been reviewed and recommended by The Jefferson County Planning Commission.

ANALYSIS:

In the fourth quarter of 2023, the Federal Emergency Management Agency (FEMA) conducted an audit of Jefferson County's compliance with the National Flood Insurance Program (NFIP) through implementation of Chapter 15.15 entitled *Flood Damage Prevention*. FEMA also reviewed Chapter 15.15 to ensure the Floodplain Management regulations meet or exceed the minimum criteria outlined in 44CFR Part 60.3 entitled *Floodplain management criteria for flood-prone areas*. FEMA conducted this audit through a state agency, the Department of Ecology (ECY). ECY toured the floodplain, inspected community permit files, and met with local appointed and elected officials as part of the Customer Assistance Visit (CAV) audit that should occur once every five years; Jefferson County's last CAV occurred more than twelve years ago.

The resulting proposed ordinance reflects changes that meet or exceed current minimum standards for floodplain management. Some language and standards are placed to provide potential enrollment in the National Flood Insurance Program (NFIP) Community Rating System (CRS). The CRS program enrollment could reduce property owners flood insurance premiums. Premium reductions are provided on a sliding scale depending on level of county eligibility.

FISCAL IMPACT:

There are no direct fiscal impacts as a result of this proposed update.

RECOMMENDATION:

Staff recommends the Board approve the request to duly notice for public hearing scheduled October 28, 2024 at 10:00 a.m.

REVIEWED BY:


Mark McCauley, County Administrator


Date

Please publish two (2) times: October 16, 2024 and October 23, 2024

Contact Person: Chelsea Pronovost
Bill to: Jefferson County Community Development
621 Sheridan St
Port Townsend, WA 98368

NOTICE OF PUBLIC HEARING

An Ordinance Repealing and Replacing the Flood Damage Prevention Ordinance in Chapter 15.15 of the Jefferson County Code; Enacting a new chapter 15.15 of the Jefferson County Code and Adding State of Washington Model Flood Ordinance and Federal Emergency Management Agency Community Rating System Program Provisions; Repealing Ordinance No. 05-0513-19; and Amending Section 18.40.040 of the Jefferson County Code.

NOTICE IS HEREBY GIVEN that a public hearing has been set by the Jefferson County Board of Commissioners (Board) for **MONDAY, October 28, 2024 at 10:00 a.m.** in the Commissioners' Chambers, County Courthouse, 1820 Jefferson Street, Port Townsend, WA 98368. Notice of said public hearing is to be published in the official newspaper of Jefferson County.

The ordinance is available for viewing on the County website by clicking on:
www.co.jefferson.wa.us – Services – Laserfiche Web Portal (username and password is: public) – Board of Commissioners – BOCC Agenda Packets – 2024 Weekly Agenda Items – 10 October 2024 – 102824 – Hearing re Flood Damage Prevention

You are welcome to participate in this hearing. You will need to join the meeting by 10:00 a.m. using the following methods: **VIRTUALLY:** Via the following Zoom, link:
<https://zoom.us/j/93777841705>, **PHONE:** Dial 1-253-215-8782 and enter access code: 937-7784-1705# and press *9 to “raise your hand” to be called upon. Access for the hearing impaired can be accommodated using Washington Relay Service at 1-800-833-6384, or **IN-PERSON:** in the Board Chambers.

If you experience difficulties joining the meeting or viewing documents, please call 360-385-9100 to report any issues.

In addition, written testimony is also invited beginning on October 16, 2024 and ending at the end of the Public Hearing, unless extended by the Board. Written public testimony may be submitted by **Email to:** jeffbocc@co.jefferson.wa.us You may view testimony received by clicking here:
www.co.jefferson.wa.us – Services – Laserfiche Web Portal (username and password is: public – Board of Commissioners – BOCC Agenda Packets – 2024 Weekly Agenda Items – 2024 Weekly Agenda Items – 10 October 2024 – 102824 – Hearing re Flood Damage Prevention

You can also **Mail** your testimony to: Jefferson County Commissioners' Office; PO Box 1220, Port Townsend, WA 98368. Written testimony must be received by the Board of County Commissioners by the end of the hearing testimony period.
Signed this 14th day of October 2024.

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

/S/Kate Dean, Chair

STATE OF WASHINGTON

County of Jefferson

An Ordinance Repealing and Replacing the Flood Damage Prevention Ordinance in Chapter 15.15 of the Jefferson County Code; Enacting a new chapter 15.15 of the Jefferson County Code and Adding State of Washington Model Flood Ordinance and Federal Emergency Management Agency Community Rating System Program Provisions; Repealing Ordinance No. 05-0513-19; and Amending Section 18.40.040 of the Jefferson County Code

ORDINANCE NO. _____

WHEREAS, Jefferson County, as a local community participating in the National Flood Insurance Program (“NFIP”) administered by the Federal Emergency Management Agency (“FEMA”), adopted a flood damage prevention ordinance (No. 05-0513-19) on May 13, 2019 that repealed and replaced an earlier flood damage prevention ordinance (No. 07-0515-06); and,

WHEREAS, as a participant in the NFIP, Jefferson County agrees to adopt and enforce a floodplain management ordinance that seeks to reduce flood risks associated with new development and substantial improvements occurring within areas of special flood hazard, and the federal government agrees to make flood insurance available as financial protection against flood losses; and,

WHEREAS, the current Jefferson County flood damage prevention ordinance does not include required provisions of the model flood hazard reduction ordinance approved December 9, 2019, as developed by FEMA and the Washington Department of Ecology, since the county’s flood damage ordinance predates that model ordinance by approximately seven months; and,

WHEREAS, the Jefferson County flood damage prevention ordinance also does not currently include provisions that would enable the county to enroll in FEMA’s Community Rating System (“CRS”) which is an optional program that reduces a community’s collective flood insurance premium for higher regulatory standards undertaken above and beyond FEMA’s requirements; and,

WHEREAS, Jefferson County does not benefit from the lower flood insurance premiums in recognition of its adoption of higher regulatory standards without enrollment in the CRS program despite the finding that Washington State already requires local governments to implement higher regulatory standards that reduce flood damage to properties by, among other requirements, establishing the minimum elevation of flood prone properties to one foot above the base flood elevation instead of at or above the base flood elevation pursuant to 44 CFR § 60.3(c)(2)(5); and,

WHEREAS, the Chair of the Board of County Commissioners received a letter from the Department of Ecology's Regional NFIP Coordinator dated October 26, 2023 confirming that a Community Assistance Visit had been scheduled to discuss Jefferson County's NFIP participation and,

WHEREAS, a public hearing was noticed for the proposed revisions to the flood damage prevention ordinance, Chapter 15.15 of the Jefferson County Code ("JCC") and the Chapter 18.40 JCC in the local newspaper on June 19 and June 26, 2024 and the Planning Commission received all comments, then reviewed, voted upon the proposed flood damage prevention ordinance, and forwarded its recommendation to the Board of County Commissioners; and,

WHEREAS, Jefferson County noticed the proposed revisions to the flood damage prevention ordinance on March 6, and March 13, 2024 to comply with State Environmental Policy Act requirements, and the county issued a Determination of Non-significance on March 13, 2024; and,

WHEREAS, Jefferson County is amending the flood damage prevention ordinance (codified in Chapter 15.15 JCC) to comply with the minimum NFIP requirements and to enable CRS enrollment; and,

WHEREAS, the amendments serve to benefit the public health, safety and welfare of the residents of Jefferson County; and,

WHEREAS, the amendments as reflected in Appendix B are consistent with the Comprehensive Plan, and the Growth Management Act; and,

WHEREAS, failing to amend the flood damage prevention ordinance to comply with the minimum NFIP requirements could result in an increase in insurance premiums of federal flood insurance, or a lack of funding by FEMA in Jefferson County for flood insurance available as financial protection against flood losses; and,

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Jefferson County, Washington:

Section 1. Findings. The Board of County Commissioners hereby accepts the Planning Commission recommendation as set forth in Appendix C, and adopts the recitals (the WHEREAS statements) as its findings of fact in support of this revision to the flood damage prevention ordinance.

Section 2. Purpose. The purpose of this Ordinance is to amend the flood damage prevention ordinance to comply with the NFIP administered by the FEMA.

Section 3. Repeal and Replace Prior Ordinance. This Ordinance repeals and replaces Ordinance No. 05-0513-19 and Chapter 15.15 JCC, as set forth in Appendix A.

Section 4. Amendment of JCC 18.40.040. JCC 18.40.040 shall be amended as set forth in Appendix B.

Section 5. Effective Date. The Ordinance shall take effect immediately upon adoption by the Board of County Commissioners.

Section 6. SEPA Compliance. All requirements of the State Environmental Policy Act ("SEPA") have been met for the adoption of this ordinance, and no significant adverse probable impacts are identified by the adoption of these regulations amending Chapter 15.15 JCC and Chapter 18.40 JCC. The proposed revisions to the flood damage prevention ordinance was duly noticed on March 6, and March 13, 2024 to comply with State Environmental Policy Act requirements, and the county issued a Determination of Non-significance on March 13, 2024.

Section 7. Effective Date: This ordinance shall take effect immediately upon adoption.

Section 8. Severability. The provisions of this ordinance are declared separate and severable. If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of remainder of the code or application of its provision to other persons or circumstances.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

APPROVED and ADOPTED this _____ day of _____, 2024.

JEFFERSON COUNTY BOARD OF
COMMISSIONERS

Kate Dean, Chair

Greg Brotherton, Member

Heidi Eisenhour, Member

SEAL:

ATTEST:

Carolyn Gallaway Date
Clerk of the Board

Approved as to form only:

Philip Hunsucker Date
Chief Civil Deputy Prosecuting Attorney

APPENDIX A-CHANGES TO CHAPTER 15.15 JCC

Chapter 15.15

FLOOD DAMAGE PREVENTION

Sections:

- 15.15.010 Statutory authorization, findings of fact, purposes, and objectives.
- 15.15.020 Applicability.
- 15.15.025 Interpretation.
- 15.15.027 Existing easements, covenants, and deed restrictions.
- 15.15.030 Definitions.
- 15.15.035 Compliance
- 15.15.040 Adoption of Flood insurance rate map ("FIRM") and disclaimer of liability.
- 15.15.050 Designation and duties of floodplain administrator.
- 15.15.060 General exemptions.
- 15.15.070 Development permit required.
- 15.15.075 Special flood hazard area variance.
- 15.15.080 Standards for flood hazard reduction.
- 15.15.090 Enforcement.
- 15.15.095 Severability.

15.15.010 Statutory authorization, findings of fact, purposes, and objectives.

(1) Statutory and constitutional authorization. The constitution and the legislature of the State of Washington has delegated the responsibility to local governments to adopt regulations designed to promote the public health, safety and general welfare of its citizens. Therefore, Jefferson County enacts this Flood Damage Prevention Ordinance for the purposes set forth in this section.

(2) Findings of fact.

(a) The flood hazard areas of Jefferson County 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.

(b) 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.

(3) Statement of purpose.

(a) The purpose of this chapter is to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of the citizens of Jefferson County, pursuant to WAC 173-158-020.

(b) An additional purpose of this chapter is to reduce the annual cost of flood insurance and minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (i) To protect human life and health;
- (ii) To minimize expenditure of public money and costly flood control projects;
- (iii) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (iv) To minimize prolonged business interruptions;
- (v) 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;
- (vi) 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;
- (viii) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- (viii) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and,
- (ix) To ensure that those who occupy areas within the special flood hazard area participate in and maintain eligibility for flood insurance and disaster relief.

(4) Objectives and methods for reducing flood losses. In order to accomplish its purposes, this chapter includes regulations to achieve the following objectives:

- (a) Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that development vulnerable to floods, including facilities which serve such development, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (e) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

15.15.020 Applicability.(1) This chapter applies to all areas of special flood hazard within Jefferson County, as defined in JCC 15.15.030, and to any development proposed or occurring within the area of special flood hazard, as specified by this chapter.

(2) Development in any floodway is prohibited, except as expressly permitted by JCC 15.15.080(4).

(3) This chapter applies to development that proposes construction within critical areas, as regulated in Title 18 JCC, and a special flood hazard area.

(4) Other chapters of Jefferson County Code that regulate special flood hazard areas, in addition to this chapter, include:

(a) Chapter 18.22. JCC, which regulates development in frequently flooded areas as defined in WAC 365-190-030(8).

(b) Chapter 18.25 JCC, which regulates development in areas under the jurisdiction of the Shoreline Management Act, Chapter 90.58 RCW.

(c) Chapter 15.05 JCC, which adopts national and state building and fire codes, and local amendments thereto.

(d) Chapter 18.30 JCC, which establishes development standards that govern development in special flood hazard areas.

(e) Chapter 8.15 JCC, which establishes standards and regulations applicable to the development, repair, and replacement of onsite sewage systems.

15.15.025 Interpretation.

(1) 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.

(2) Should the provisions of this chapter conflict with any other chapter in this code, the more restrictive or protective standard shall prevail.

15.15.027 Existing easements, covenants, and deed restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.15.030 Definitions.

“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 water body.

“Area of shallow flooding” means a designated AO, AH, or VO zone on the flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. 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 is characterized as sheet flow; AH 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 a one percent or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, AE, A99, or AR (V, VO, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

“American Society of Civil Engineers (‘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 referred to as the “100-year flood”).

“Base Flood Elevation (BFE): 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.

“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.

“Building” means “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.

“Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone VE or V.

“Community” means unincorporated Jefferson County, Washington.

“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.

“Cumulative substantial damage” means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such

flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.¹

“Development” means any anthropogenic 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.

“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, posts, 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 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).

“Essential Facility” 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 floodplain management regulations adopted by a 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:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation of runoff of surface waters from any source.
- (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (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 subsection (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) or flood-related erosion hazards. A “flood elevation study” is also known as a Flood Insurance Study (“FIS”).

“Flood insurance rate map (‘FIRM’)” means an official map of a community, on which the Federal Insurance Administration has delineated both the special hazard areas 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’).”

“Floodplain” means any flood-prone area or 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 development regulations, 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.

“Floodproofing” 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. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation. Floodproofing, as defined here, is limited to the nonresidential development provisions of JCC 15.15.080(2)(b); floodproofing is not applicable to residential development.

“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 a designated height. The “floodway” is also referred to as the “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 the 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 the 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 non-elevation design requirements of this chapter found at JCC 15.15.080(2) (i.e., provided there are adequate flood 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 “recreational vehicles.”

“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.

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

“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 FIRM 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 adopted by a community.

“One-hundred-year flood” or “100-year flood” means “base flood.”

“Park model recreational vehicle” or “recreational park trailer” means a trailer-type unit that is regulated under Chapter 296-150P WAC, primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, and meets the following criteria:

- (1) It is built on a single chassis, mounted on wheels;
- (2) It does not have a gross trailer area exceeding 400 square feet (37.15 square meters) in the set-up mode; and,
- (3) It is certified by the manufacturer as complying with ANSI A119.5

A park model is a recreational vehicle for purposes of this chapter.

“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 no flood elevation is available, “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.

This term includes park model recreational vehicle, as defined in this chapter.

“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 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. “Structure,” for insurance purposes, means:

- (1) A building, with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- (2) A manufactured home (a manufactured home, also known as a mobile home, is a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or,
- (3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.

For the latter purpose, “structure” does not mean a recreational vehicle, a park model, or other similar vehicle, except as described in subsection (3) of this definition, or a gas or liquid storage tank.

“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 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 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct pre-cited 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,
- (2) 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 by a community from the terms of a floodplain management regulation.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §§ 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

“Water-dependent use” means a structure for commerce or industry that requires direct contact with the water and cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Ferry terminals and public fishing piers are examples of water-dependent uses. Residential development is not a water-dependent use.

15.15.035 Compliance

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

- (1) 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 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 constitute a misdemeanor.
- (2) Fines and/or imprisonment. Any person who violates this chapter or fails to comply with any of its requirements shall be deemed to have committed a violation. Upon conviction thereof, the violator may be fined no more than \$1,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Jefferson County from taking such lawful action as is necessary to prevent or remedy any violation.

15.15.040 Adoption of Flood insurance rate map ("FIRM") and disclaimer of liability.

(1) 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 Jefferson County, Washington, and Incorporated Areas" dated June 7, 2019, and any revisions thereto, with an accompanying flood insurance rate map ("FIRM"), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at Jefferson County department of community development (621 Sheridan Street, Port Townsend, Washington 98368). The best available information for flood hazard area identification as outlined in JCC 15.15.040(2)(b) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under JCC 15.15.040(2)(b).

(2) Changes to Special Flood Hazard Area. If a project will alter the base flood elevation ("BFE") or boundaries of the special flood hazard area ("SFHA") then the project proponent shall provide the county 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.

(3) Requirement to Submit New Technical Data. Within six months, the county shall notify the Federal Emergency Management Agency ("FEMA") of changes in the base flood elevation by submitting technical or scientific data, so that insurance rates and floodplain management requirements will be based on current data not currently found in this chapter, as required by 44 CFR § 65.3.

(5) 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 manmade 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 Jefferson County, 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.

15.15.050 Designation and duties of floodplain administrator.

(1) Designation of floodplain administrator. The Jefferson County Community Development Director is hereby appointed to administer, enforce and implement this chapter by granting or denying development permit applications in accordance with its provisions. The Community Development Director may appoint a designee to implement the standards of this chapter. The person appointed shall be known as the "floodplain administrator" for purposes of this chapter.

(2) Duties and Responsibilities of the floodplain administrator. Duties of the floodplain administrator shall include, but not be limited to:

(a) Permit Review.

(i) Review all development permits to determine that the permit requirements of this chapter have been satisfied;

(ii) 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;

(iii) 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 JCC 15.15.080(4)(a) are met;

(iv) Determine that the site is reasonably safe from flooding; and,

(v) Notify FEMA when annexations occur in the special flood hazard area.

(b) 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 JCC 15.15.060(2), Basis for Establishing the Areas of Special Flood Hazard, 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 JCC 15.15.080(2), Specific Standards, and 15.15.080(4), Floodways.

(c) The floodplain administrator shall obtain and maintain information and data as follows:

(i) Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (2)(b) of this section, the floodplain administrator shall 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. The information shall be recorded on a current elevation certificate with Section B completed by the floodplain administrator.

(ii) 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 (3)(b) of this section:

(A) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed.

(B) Maintain the floodproofing certifications required in subsection (1)(b)(iii) of this section.

(iii) Maintain for public inspection all records pertaining to the provisions of this chapter.

(iv) Obtain and maintain documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.

(v) Complete certification required by JCC 15.15.080(4).

(vi) Maintain records of all variance actions, including justification for their issuance.

(vii) Maintain records of improvement and damage calculations.

(d) Alteration of Watercourses.

(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.

(ii) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(e) 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. An appeal of the floodplain administrator's determination of the location of the boundary may be filed with the Jefferson County Hearing Examiner as an appeal of an administrative decision pursuant to JCC 2.30.100. An appeal may only be granted if it is determined to be consistent with the standards of [44 CFR § 60.6](#) (National Flood Insurance Program federal regulations).

15.15.060 General exemptions.

(1) To determine if a development proposal is exempt from the requirement for a flood development permit, the project proponent shall submit documentation supporting compliance with the applicable exemption below for review by the floodplain administrator, who shall retain documentation of the decision.

(2) The following exemptions are limited in scope and shall not be approved if part of a larger development proposal. After review and approval by the floodplain administrator, the following may be exempt from the requirement for a flood development permit:

- (a) Routine maintenance of existing landscaping that does not involve grading, excavation, or filling;
- (b) Removal of noxious weeds, hazardous trees, and replacement of nonnative vegetation with native vegetation; provided, weed removal is based on the Jefferson County noxious weed list and is conducted in accordance with the noxious weed control board weed control guidance;
- (c) Normal maintenance of above-ground public utilities and facilities, such as replacing power lines and utility poles, but does not include connecting or extending lines onto private property, such as residential utility lines;
- (d) Normal road maintenance, such as filling potholes, repaving, installing signs and traffic signals; provided, that no expansion is proposed;
- (e) Normal maintenance of a levee or other flood control facility, as prescribed in the operations and maintenance plan for the facility; provided, that normal maintenance does not include repair from flood damage, any expansion of the prism, face or toe, or the addition of material for protection or armor; and,
- (f) Plowing and other normal farm practices on legally existing agricultural areas; provided, that there are not new structures, filling, or ground clearing.

15.15.070 Development permit required.

- (1) A development permit is required for all development that is subject to this chapter, including, but not limited to: structures, including manufactured homes as defined in JCC 15.15.030, and for all development including fill and other activities, as defined in JCC 15.15.030.
- (2) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in JCC 15.15.040(1).
- (3) 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. The following submittal information is required:
 - (i) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the local official;
 - (ii) Elevation in relation to mean sea level to which any structure has been floodproofed;
 - (iii) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in JCC 15.15.080(2)(b);
 - (iv) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;

- (v) A V-zone design certificate, if a structure is proposed in a V, V1-30, or VE zone;
- (vi) An engineering analysis indicating no rise of the Base Flood Elevation, if development is proposed in a floodway; and,
- (vii) Any other such information that may be reasonably required by the floodplain administrator in order to review the application.

(4) A development permit under this chapter shall be processed as a Type 1 decision pursuant to JCC 18.40.260 and applicable sections of chapter 18.40 JCC. Any decision by the floodplain administrator may be appealed to superior court, consistent with chapter 36.70C RCW (Land Use Petition Act).

15.15.075 Special flood hazard area variance.

(1) A special flood hazard area variance permit shall be processed as a Type III decision pursuant to JCC 18.40.280 and applicable sections of chapter 18.40 JCC.

(a) The hearing examiner shall conduct a pre-decision hearing on a variance request in accordance with chapters 2.30 and 18.40 of the Jefferson County Code.

(b) Upon consideration of the factors listed in this section and the purposes, objectives and findings of fact for this chapter contained in JCC 15.15.010, the hearing examiner may attach reasonable conditions to the grant of a variance request as may be necessary to further the purposes of this chapter.

(c) Any decision by the hearing examiner is a final decision of the county that may be appealed to superior court, consistent with JCC 2.30.130.

(d) The floodplain administrator shall maintain records of any appeal action and report any variance granted to the Federal Insurance Administrator.

(2) Burden of proof; variances seldom granted.

(a) Burden of proof for request for variance. The applicant bears the burden of proof to demonstrate by a preponderance of the evidence that the application meets all of the applicable criteria for granting a variance. Flood hazard variances are not favored and the applicant bears the burden of proof to show that there is no reasonable alternative to granting a variance.

(b) Request for variance, generally. It is the duty of Jefferson County under federal and state law to use its regulatory authority to protect the citizens of Jefferson County from flooding. Given the compelling need to protect human life and property from flooding, variances are granted sparingly, and only due to a unique characteristic of the land itself (not the structure or property owners) that is not shared by parcels in the vicinity.

(3) Parameters for granting of a variance under the National Flood Insurance Program.

(a) 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 the flood elevations should be quite rare.

(b) 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 (4)(d) of this section, and otherwise complies with JCC 15.15.080(1)(a), (1)(c), and (1)(d).

(c) 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.

(d) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(f) In considering a variance application, the decision maker shall consider all technical evaluations, all relevant factors, and all standards specified in other sections of this chapter.

(4) General variance criteria. Variances shall only be issued upon:

(a) A showing by the applicant of good and sufficient cause, demonstrating consistency with the factors identified in this section and the purpose and intent of this chapter;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(c) A determination that the variance is conditioned to be the minimum necessary to afford relief, considering the area of special flood hazard;

(d) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; and,

(e) A determination that the granting of the variance will not cause a public nuisance, fraud on or victimization of the public, or conflict with Jefferson County Code.

(5) Special flood hazard area variance factors to consider. The decision maker must consider the following factors in determining whether to grant a special flood hazard variance, and make detailed findings concerning their applicability:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - (j) The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,
 - (k) 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.
- (6) 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.

15.15.080 Standards for flood hazard reduction.

- (1) 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 so 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 flood warning.

(d) Utilities.

(i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters 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 floodwaters into the systems and discharges from the systems into floodwaters; and,

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

(e) Subdivision proposals and other development involving: creation of 50 or more lots, or development of an area five or more acres in size, whichever is less. Any proposal under section 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; and,

(iv) Generate base flood elevation data if it has not been provided or is not available from another authoritative source.

(f) Review of building permits. Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source (JCC 15.15.050(2)(b)), applications for development in special flood hazard areas 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.

(2) Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided as set forth in JCC 15.15.040(1) (Basis for Establishing the Areas of Special Flood Hazard) or JCC 15.15.050(2)(b) (Use of Other Base Flood Data), the following standards are required:

(a) Residential Construction.

(i) In AE and A1-30 zones or other A zoned areas where the base flood elevation (“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, and all machinery, utilities and mechanical equipment elevated one foot or more above the BFE.

(ii) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in 15.15.080(5).

(iii) Mechanical equipment and utilities in an AO zone shall be elevated at least one foot above the depth number identified on the community’s FIRM and designed so as to prevent water from entering or accumulating within the components during flooding.

(iv) 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.

(v) New construction and substantial improvement of any residential structure in a V zone shall meet the requirements in 15.15.080(6).

(vi) 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) The design must include a minimum of two openings with 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 be no 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 flood waters; and,

(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 flood waters.

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) Preferred alternative. All of the requirements of this subsection (i) of this section shall be met if feasible. If not feasible, the requirements of subsection (ii) must be met:

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

(B) If located in an AO zone, the structure shall meet the requirements in JCC 15.15.080 (5);

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

(D) If located in a V, V1-30, or VE zone, the structure shall meet the requirements in 15.15.080 (6); and,

(E) 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:

(1) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(2) The bottom of all openings shall be no higher than one foot above grade;

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

(4) 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 flood waters.

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

(ii) If the requirements of subsection (i) of this section 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 floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

(B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(C) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.15.070 (2); and,

(D) For nonresidential structures that are elevated and not floodproofed, must meet the same standards for space below the lowest floor as described in 15.15.080 (2)(a) (vi).

(c) **Manufactured Homes.** All manufactured homes in the floodplain to be placed or substantially improved on sites within the special flood hazard area shall be elevated on a permanent foundation such that the lowest floor of the manufactured home and all machinery, utilities and equipment 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, including park models.** Recreational vehicles placed on sites within the special flood hazard area are required to either:

(i) Be on the site for fewer than 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 (2)(c) of this section and the elevation and anchoring requirements for manufactured homes.

(e) **Enclosed Area Below the Lowest Floor.** If a building or manufactured home is constructed or substantially improved with fully enclosed area below the lowest floor, the area shall be used solely for parking of vehicles, building access, or storage.

(3) **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 zones A1-30 and AE 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.

(4) **Floodways.** Areas designated as floodways are located within areas of special flood hazard established in JCC 15.15.040. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following standards apply:

(a) No Rise Standard. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited, 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) Residential Construction in the Floodways. 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 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 50 percent; and,

(c) If the “no-rise” standard contained in subsection (4)(a) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section; and,

(d) Replacement of Farmhouses in Floodway.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures (as defined in JCC15.15.030) located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

(i) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

(ii) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;

(iii) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

(iv) A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;

(v) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;

(vi) For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;

(vii) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;

(viii) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and,

(ix) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

(5) Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

(a) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement, utilities and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified);

(b) New construction and substantial improvements of nonresidential structures within AO zones shall either:

(i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified). Recorded on a current elevation certificate with Section E completed; or,

(ii) Together with attendant utility and sanitary facilities, be floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in subsection (2)(b)(i) of this section;

(c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; and,

(d) If a recreational vehicle is placed on a site within an AO zone on the community's FIRM, the recreational vehicle is required to either:

(i) Be on the site for fewer than 180 consecutive days;

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

(iii) Meet the requirements of subsections (5)(a) and (5)(c) of this section and the anchoring requirements for manufactured homes (subsection (1)(a) of this section).

(6) Coastal High Hazard Areas. Coastal high hazard areas are located within areas of special flood hazard established in JCC 15.15.040(2) and are designated as zones V1-30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges. In addition to meeting all other provisions in this chapter, the following provisions shall also apply:

(a) All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that:

(i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; and,

(ii) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (6)(a)(i) and (ii) of this section;

(b) The applicant shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and disclose whether or not the structure contains a basement. The floodplain administrator shall maintain a record of all such information;

(c) All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide;

(d) All new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this subsection, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

(i) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and,

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation;

(e) The use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM is prohibited;

(f) Anthropogenic alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM is prohibited, if the alteration would increase potential flood damage;

(g) All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM shall meet the standards of subsections (6)(a) through (f) of this section. Manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of subsection (2)(c)(ii) of this section. This subsection applies to manufactured homes placed on the following sites:

(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; and,

(h) All recreational vehicles placed on sites within zones V1-30, V, and VE on the community's FIRM shall meet the following requirements:

(i) Be on the site for fewer than 180 consecutive days;

(ii) Be fully licensed and ready for highway use, on its 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 JCC 15.15.070(1)(a) (Development permit required) and subsections (6)(a) through (f) of this section.

(7) Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area ("SFHA") (100-year floodplain). Construction of new critical

facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher, and access to the critical facility should also be protected to that height. 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) Appurtenant Structures (Detached garages and storage structures).

In A zones (A, AE, A1-30, AH, AO), appurtenant structures used solely for parking of vehicles, storage, or access 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 of vehicles or 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 floodproofed to or above the BFE;
- (e) The appurtenant structure must comply with floodway encroachment provisions in subsection (4)(a) of this section; and,
- (f) The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with subsection (2)(a)(ii) of this section.

Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection (1)(b) of this section.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the floodplain administrator for verification.

(9) General Requirements for Other Development.

All development, including anthropogenic changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any Jefferson County amendments, shall:

- a) Be located and constructed to minimize flood damage;
- b) Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
- c) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

- d) Be constructed of flood damage-resistant materials;
- e) Meet the flood opening requirements of Section 15.15.080 (2); and,
- f) Have mechanical, plumbing, and electrical systems above the design flood elevation or 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.

(10) Livestock Sanctuaries. Elevated areas for the 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.

15.15.090 Enforcement.

The provisions of this chapter shall be enforced under Title 19 of the Jefferson County Code. Jefferson County may seek any remedy available under law as is necessary to prevent or correct any violation of this chapter.

15.15.095 Severability.

The provisions of this code are declared separate and severable. If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of remainder of the code or application of its provision to other persons or circumstances.

APPENDIX B – Chapter 18.40 JCC Amendments

Table 8-1. Permits – Decisions

Type I ¹	Type II	Type III	Type IV	Type V
Septic permits	Classification of unnamed and discretionary uses under Article II of Chapter 18.15 JCC	Variances under JCC 18.22.250 Special flood hazard area variances under JCC 15.15.075	Final plats under Chapter 18.35 JCC	Special use permits, such as for siting essential public facilities under JCC 18.15.110
Allowed uses not requiring notice of application (e.g., “Yes” uses listed in Table 3-1 in JCC 18.15.040 , building permits, special flood hazard area development permits, etc.)	Release of six-year FPA moratorium for an individual single-family residence under JCC 18.20.160	PRRDs under Article VI-M of Chapter 18.15 JCC and major amendments to PRRDs under JCC 18.15.545 (3)	Final PRRDs under Article VI-M of Chapter 18.15 JCC	Jefferson County Comprehensive Plan amendments under Chapter 18.45 JCC
Minor amendments to planned rural residential developments (PRRDs) under JCC 18.15.545	Cottage industries under JCC 18.20.170 Temporary housing facilities under JCC 18.20.385	Shoreline substantial development permits, conditional use permits, and variance permits under the Jefferson County shoreline master program (SMP)		Amendments to development regulations
Home businesses approved under JCC 18.20.200	Short subdivisions under Article III of Chapter 18.35 JCC	Plat alterations and vacations under JCC 18.35.030 (3)		Amendments to the Jefferson County SMP
Temporary outdoor use permits under JCC 18.20.380	Binding site plans under Article V of Chapter 18.35 JCC	Long subdivisions under Article IV of Chapter 18.35 JCC		Subarea and utility plans and amendments thereto
Stormwater management permits under JCC 18.30.070	Administrative conditional use permits under JCC 18.40.520 (1)	Discretionary conditional use permits under JCC 18.40.520 (2)		Development agreements and amendments thereto under

	and listed in Table 3-1 in JCC 18.15.040 as “C(a)”	[i.e., listed in Table 3-1 in JCC 18.15.040 as “C(d)”] where required by administrator		Article XI of this chapter
Road access permits under JCC 18.30.080	Discretionary conditional use permits under JCC 18.40.520 (2) listed in Table 3-1 in JCC 18.15.040 as “C(d)” unless Type III process required by administrator	Conditional use permits under JCC 18.40.520 (3) [i.e., uses listed in Table 3-1 in JCC 18.15.040 as “C”]		Master plans for master planned resorts
Sign permits under JCC 18.30.150	Minor variances under JCC 18.40.640 (2)	Major variances under JCC 18.40.640 (3)		Amendments to the Unified Development Code
Boundary line adjustments under Article II of Chapter 18.35 JCC	Administrative conditional use permits, under Jefferson County SMP, JCC 18.25.620 (3) listed in JCC 18.25.220 , Table 18.25.220 as “C(a)” Discretionary conditional use permits under Jefferson County SMP, JCC 18.25.620 (4) listed in JCC 18.25.220 , Table 18.25.220 as “C(d),” unless Type III process required by administrator	Wireless telecommunications permits under JCC 18.20.130 and Chapter 18.42 JCC		
Minor adjustments to approved preliminary short	Wireless telecommunications permits under	Major industrial development conditional use		

plats under JCC 18.35.150	JCC 18.20.130 and Chapter 18.42 JCC	approval under Article VIII of Chapter 18.15 JCC	
Minor amendments to approved preliminary long plats under JCC 18.35.340	Small-scale recreation and tourist (SRT) uses in SRT overlay district under JCC 18.15.572 .	Forest practices release of a moratorium under Chapter 18.20 JCC	
Site development review under Article VII of this chapter	Plat alterations under JCC 18.35.670		
Exemptions under the Jefferson County SMP			
Revisions to permits issued under the Jefferson County SMP			
Boundary line agreements under Article VIII of Chapter 18.35 JCC	Residential development exception pursuant to JCC 18.12.080 Innocent purchasers for value determinations pursuant to JCC 18.12.100		

¹ If not categorically exempt pursuant to SEPA, Type I projects shall be subject to the notice requirements of JCC [18.40.150](#) through [18.40.220](#) and Article X of this chapter (the SEPA integration section).

Table 8-2. Action Types – Process

	Project Permit Application Procedures (Types I – IV)			Legislative	
	Type I	Type II	Type III	Type IV	Type V
Recommendation made by:	Project planner	Project planner	Project planner	N/A	Planning commission ¹
Final decision made by:	Administrator	Administrator	Hearing examiner	Board of county commissioners	Board of county commissioners
Notice of application:	No	Yes	Yes	No	N/A
Open record public hearing:	No	Only if administrator's decision is appealed, open record hearing before hearing examiner	Yes, before hearing examiner, prior to permit decision by the hearing examiner	No	Yes, before planning commission to make recommendation to board of county commissioners ¹
Closed record appeal/final decision:	No	No	No	N/A	Yes, or board of county commissioners could hold its own hearing
Judicial appeal:	Yes	Yes	Yes	Yes	Yes ²

¹ Type V land use actions are subject to review and recommendation by the planning commission, except for utility plans, ordinances or regulations that address procedural issues related to land use planning, interim or emergency ordinances, moratorium ordinances, or remand actions from state administrative boards or courts of law.

² Pursuant to RCW 36.70A.250 and 36.70A.280, the Western Washington Growth Management Hearings Board (WWGMHB) is authorized to hear and determine petitions alleging that the county is not in compliance with the requirements of Chapter 36.70A RCW, Chapter 90.58 RCW as it relates to the adoption of the Shoreline Master Program, or Chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or Chapter 90.58 RCW. Direct judicial review may also be obtained pursuant to RCW 36.70A.295

If not categorically exempt pursuant to SEPA, Type I projects shall be subject to the notice requirements of JCC [18.40.150](#) through [18.40.220](#) and Article X of this chapter (the SEPA integration section).

SUMMARY OF DECISION-MAKING

- Type I: In most cases, administrative without notice. However, if a Type I permit is not categorically exempt under SEPA, then, administrative with notice.
- Type II: Administrative with notice. Final decision by administrator unless appealed. If appealed, open record hearing and final decision by hearing examiner.
- Type III: Notice and open record public hearing before the hearing examiner. Final decision by hearing examiner. Appeal to superior court.
- Type IV: Closed record decision by board of commissioners during a regular public meeting. Type IV decisions are purely ministerial in nature (see Article IV of Chapter [18.35](#) JCC).
- Type V: Notice and public hearing before planning commission, with planning commission recommendation to board of county commissioners, except for utility plans, ordinances or regulations that address procedural issues related to land use planning, interim or emergency ordinances, moratorium ordinances, or remand actions from state administrative boards or courts of law. Notice and public hearing before board of county commissioners with final legislative action by the board of county commissioners (see Chapter [18.45](#) JCC).