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**Walla Walla County Commissioners**  
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Document Titles (i.e.: type of document)

**ORDINANCE NO. 447 AMENDING WALLA WALLA COUNTY CODE CHAPTER 18.12, FLOOD DAMAGE PREVENTION, IN ORDER TO COMPLY WITH ORDINANCE DEFICIENCIES CITED BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM AND TO UPDATE PROCEDURAL REQUIREMENTS TO BE CONSISTENT WITH WALLA WALLA COUNTY CODE TITLE 14, DEVELOPMENT CODE ADMINISTRATION.**

Auditor File Number(s) of document being assigned or released:

Grantor

1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Legal description (i.e.: lot and block or section township and range)

n/a

Additional legal is on page \_\_\_\_ of document.

Assessors Parcel Numbers

n/a

Additional parcel number is on page \_\_\_\_ of document.

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**BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON**

**ORDINANCE NO. 447**

**AMENDING WALLA WALLA COUNTY CODE CHAPTER 18.12, FLOOD DAMAGE PREVENTION, IN ORDER TO COMPLY WITH ORDINANCE DEFICIENCIES CITED BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM AND TO UPDATE PROCEDURAL REQUIREMENTS TO BE CONSISTENT WITH WALLA WALLA COUNTY CODE TITLE 14, DEVELOPMENT CODE ADMINISTRATION.**

**WHEREAS**, as stated in Walla Walla County Code (WWCC) 18.12.020, the flood hazard areas of Walla Walla County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and services, extraordinary public expenditures, all of which adversely affect the public health, safety and general welfare; and

**WHEREAS**, the County participates in the National Flood Insurance Program (NFIP) which provides affordable insurance to property owners by encouraging local jurisdictions to implement floodplain management standards, which the County has in WWCC 18.12; and

**WHEREAS**, the Department of Ecology has found ordinance deficiencies in Chapter 18.12, Flood Damage Prevention pursuant to the National Flood Insurance Program (NFIP) and has notified the County that failure to adopt amendments to the code to address these deficiencies may result in a finding that the County is ineligible to continue in the program, thereby removing the opportunity for property owners within the County's flood hazard areas to purchase more affordable flood insurance under the NFIP; and

**WHEREAS**, pursuant to Walla Walla County Section 14.50.030, the Board of County Commissioners may amend development regulations more often than once a year as determined by a majority vote of the Board of County Commissioners to be in the long term interests of the County.

**NOW THEREFORE,**

**BE IT ORDAINED**, by the Walla Walla County Board of County Commissioners that:

**Section I. The Board of County Commissioners Makes the Following Findings of Fact:**

1. On July 18, 2014 staff from the Department of Ecology conducted a Community Assistance Visit (CAV) for Walla Walla County and met with staff of the former Walla Walla Joint Community Development Agency. During this visit Department of Ecology staff identified several ordinance deficiencies which they say must be addressed in order for the County to maintain eligibility under the National Flood Insurance Program (NFIP).
2. The Planning Commission reviewed the proposed amendments in a workshop at a special meeting held on March 9, 2016.
3. Pursuant to RCW 36.70A.106, on March 18, 2016 the proposed amendments were sent with an expedited review request to the Washington State Department of Commerce as required for the state to review any development regulations amendments. On March 21, 2016, the County received the acknowledgement from Department of Commerce that they had received this request. On April 5, 2016 expedited review was granted by the Department.
4. On March 21, 2016, a notice was issued announcing an informational public meeting and Planning Commission public hearing to be held on April 6, 2016. The hearing notice was published in Walla Walla Union Bulletin and Waitsburg Times on March 24 and in the Tri-City Herald on March 25; and posted on the Community Development Department Notices webpage.
5. A SEPA Determination of Non-Significance (SEPA16-009) was issued on March 22, 2016. The DNS was sent to the SEPA Register and consulting agencies on March 22. The comment period ended on April 5, 2016; no comments or appeals were filed.
6. As required by WWCC 14.15.050B2, a public informational meeting was held on April 6, 2016.
7. On April 6, 2016 the Planning Commission held a public hearing to accept public testimony on the proposed amendments. No public testimony was received.
8. After the close of the public hearing on April 6, the Planning Commission voted to recommend that the Board of County Commissioners approve the amendments as presented. On April 22, 2016, the Planning Commission Chairman issued Resolution 16-02, documenting this recommendation.
9. On May 23, 2016 the Board of County Commissioners discussed the proposed amendments in a workshop and adopted Resolution 16-149, finding that it is in the long term interest of the County to consider amendments to Chapter 18.12 outside of the annual docketing process and setting a public hearing on this item for June 6, 2016.
10. On May 26, 2016, a Notice of Public Hearing for the June 6 public hearing was published in the Waitsburg Times and the Walla Walla Union Bulletin. This notice was also published on the Walla Walla County website.

11. The Board of County Commissioners held a public hearing on June 6, 2016. Staff presented the Planning Commission's recommendation and recommended that the Board of County Commissioners approve the amendments as presented.
12. On June 6, 2016, after closing the public hearing, the Board of County Commissioners voted unanimously to concur with staff's recommendation to approve the amendments as presented and direct staff to prepare an ordinance for adoption.
13. The proposed amendments are supported by the Walla Walla County Comprehensive Plan as identified in the Conclusions of Law in Section II.

**Section II. The Board of County Commissioners Makes the Following Conclusions of Law:**

1. The proposed amendments have been reviewed under the criteria for review in Walla Walla County Code Chapter 14.15.
2. The proposed amendments are consistent with Goal CA-3 of the Walla Walla County Comprehensive Plan.

*Goal CA-3: Utilize floodplain planning to protect human life and health as well as the riparian ecosystem in order to minimize public and private economic losses and expenditures related to flood control and to protect and preserve wildlife habitat.*
3. The proposed amendments are consistent with the County's other development regulations. The proposed amendments include changes necessary for consistency with the procedural requirements in Title 14, Development Code Administration. All other County development regulations, including, but not limited to, zoning and subdivision rules shall apply in addition to these amended flood hazard area regulations.
4. The amendments are appropriate for consideration at this time because the County is required to address the ordinance deficiencies noted by the Department of Ecology in order to be compliant with the National Flood Insurance Program (NFIP).
5. Maintaining the County's participation in the NFIP helps to alleviate the potential financial hardship associated with living in areas of special flood hazard by enabling citizens of the County to be eligible for flood insurance. This is in the long-term interest of the County.
6. The proposed amendments meet a definable public need because they are minor changes needed in order for the County maintain compliance with the NFIP and ensure minimized flood loss.

**Section III. Adoption of the amendments to Chapter 18.12:**

Based on its review of the requirements of RCW 36.70A and the Washington Administrative Code, the proposed amendments, staff analysis and recommendations,



and the recommendation submitted by the Planning Commission, the Board of County Commissioners hereby adopts the following proposed amendments to Walla Walla County Code Chapter 18.12:

The amendments to Walla Walla County Code Chapter 18.12 as shown in attached Exhibit A.

**Section IV. Effective Date and Savings.**

This Ordinance is effective upon signing.

**Section V. 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 VI. Publication.**

This Ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 8<sup>TH</sup> day of JUNE, 2016.

Attest:

Connie R Vinti

Connie R. Vinti, Clerk of the Board

absent

James K. Johnson, Chairman, District 1

Perry L. Dozier

Perry L. Dozier, Commissioner, District 2

James L. Duncan

James L. Duncan, Commissioner, District 3

Constituting the Board of County Commissioners  
of Walla Walla County, Washington

Approved as to form

Jesse D. Nolte

Jesse D. Nolte, Deputy Prosecuting Attorney



## **Exhibit A**

### **Amendments to Chapter 18.12**

#### **CHAPTER 18.12 - FLOOD DAMAGE PREVENTION**

##### **ARTICLE I. - GENERAL PROVISIONS**

- 18.12.010 Statutory authorization.
- 18.12.020 Findings of fact.
- 18.12.030 Purpose of provisions.
- 18.12.040 Methods and provisions generally.
- 18.12.050 Definitions.
- 18.12.060 Applicability of provisions.
- 18.12.070 Special flood hazard area—Establishment.
- 18.12.080 Compliance required.
- 18.12.090 Greater restrictions to apply.
- 18.12.100 Interpretation of provisions.
- 18.12.110 Liability disclaimer.

##### 18.12.010 - Statutory authorization.

The Legislature of the state of Washington has in RCW 36.32.120(7) delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

##### 18.12.020 - Findings of fact.

- A. The flood hazard areas of Walla Walla 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.

##### 18.12.030 - Purpose of provisions.

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

- A. To protect human life and health;

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

#### 18.12.040 - Methods and provisions generally.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are 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 uses vulnerable to floods, including facilities which serve such uses, 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 which will unnaturally divert floodwaters or which increase flood hazards in other areas.

#### 18.12.050 - Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to, give this chapter its most reasonable application:

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

"Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; 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 and AH indicates ponding.

"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.

"Base flood" means the flood having one percent chance of being equalled or exceeded in any given year.

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

"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.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: 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" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary—floodway map, and the water surface elevation of the base flood.

"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.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

"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 that structure in violation of the applicable nonelevation design requirements of this chapter found at Section 18.12.250.

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

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

"Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock travel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to damage of life or property.

"Recreational vehicle" means a vehicle:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towage by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but a temporary living quarters for recreational, camping, travel or seasonal use.

"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 damage occurred.

"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 the first placement of permanent construction of a structure (other than a mobile manufactured home) on a



site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 as part of the main structure. For a structure (other than a ~~mobile~~ manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For ~~mobile~~ manufactured homes not within a ~~mobile~~ manufactured home park or ~~mobile~~ manufactured home subdivision, "start of construction" means the affixing of the ~~mobile~~ manufactured home to its permanent site. For ~~mobile~~ manufactured homes within ~~mobile~~ manufactured home parks or ~~mobile~~ manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the ~~mobile~~ manufactured home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed. 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 or ~~mobile~~ manufactured home that is principally above ground.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty 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 does not, however, include either:

1. Any project for improvement of a structure to correct ~~comply with pre-cited~~ existing violations of state or local health, sanitary, or safety code specifications which ~~are~~ solely 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 structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

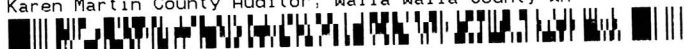
"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

#### 18.12.060 - Applicability of provisions.

This chapter shall apply to all areas of special flood hazards within the unincorporated areas of Walla Walla County, Washington.

#### 18.12.070 - Special flood hazard area—Establishment.

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 unincorporated areas in Walla Walla County," dated January 18, 2002, and any revisions thereto, with accompanying flood insurance maps, and any revisions thereto, is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the Walla Walla County Community





Development Department Regional Planning Department, 310 W. Poplar, Room 117, Walla Walla, Washington.

8.12.080 - Compliance required.

No structure or land shall be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

18.12.090 - Greater restrictions to apply.

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.

18.12.100 - Interpretation of provisions.

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.

18.12.110 - Liability disclaimer.

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. Floor heights may be increased by man-made or natural causes. This chapter shall not create liability on the part of Walla Walla 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 thereunder.

## ARTICLE II. - ADMINISTRATION

18.12.120 Development permit—Establishment.

18.12.130 Administrator—Designated.

18.12.140 Administrator—Duties.

18.12.150 Appeals board—Variance review.

18.12.160 Variance issuance.

18.12.170 Variance—Issuance procedure.

18.12.120 - Development permit—Establishment.

- A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 18.12.070.
- B. The permit shall be for all structures including ~~mobile~~ manufactured homes, as set forth in the "definitions," and for all other developments including fill and other activities, also set forth in the "definitions." Application for a development permit shall be made on forms furnished by the 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:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 18.12.260;
4. Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

18.12.130 - Administrator—Designated.

The Walla Walla County planning director is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

18.12.140 - Administrator—Duties.

Duties shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied,
2. 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,
3. 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 18.12.290(A) are met;

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 18.12.070, the 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 18.12.250 and 18.12.260;

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 18.12.140(B), ~~to~~ obtain and record the actual elevation (in relation to mean sea level) of the lowest ~~habitable~~ floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement,
2. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 18.12.140(B):
  - a. Verify and record the actual elevation (in relation to mean sea level), and
  - b. Maintain the floodproofing certifications required in Section 18.12.120(B),
3. Maintain for public inspection all records pertaining to the provisions of this chapter;

D. Alteration of Watercourses.

1. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration,



2. Require that maintenance is provided within the altered or relocated portion of the 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 (for example, 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 as provided in Sections 18.12.150 and 18.12.160.

18.12.150 - Appeals ~~board~~—Variance review.

- A. The Walla Walla County ~~planning commission~~ Hearing Examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Walla Walla County ~~planning commission~~ Hearing Examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the administrator in the enforcement or administration of this chapter under WWCC Chapter 14.11, Appeals. Appeals of Hearing Examiner decisions can be made to Walla Walla County Superior Court as provided for in Section 14.11.040.
- C. ~~Any person or persons, or any board, taxpayer, department, board or bureau of the county aggrieved by any recommendation decision of the planning commission regarding variances may seek review from the board of county commissioners. Following review by the board of county commissioners, any person or persons, taxpayer, board or bureau, aggrieved by the decision, may seek review by the Superior Court of the state of Washington for Walla Walla County. Such appeal shall be by certiorari and shall be initiated by serving and filing a petition for the writ within thirty days after the planning commission's decision has become final.~~
- ~~D.~~ D. In passing upon such applications, the ~~planning commission~~ Hearing Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
  1. The danger that materials may be swept or to other lands to the injury of others;
  2. The danger of life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The importance of the services provided by the proposed facility to the community;
  5. The necessity to the facility of a waterfront location, where applicable;
  6. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action. If applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- ~~E~~ D. 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 base flood level, providing items 1 through 11 in

subsection ~~D~~ C of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

~~F~~E. Upon consideration of the factors of subsection ~~D~~ C of this section and the purposes of this chapter, the ~~planning commission~~ Hearing Examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

~~G~~F. The administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

#### 18.12.160 - Variance issuance.

- A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- B. Variances shall not be issued within any 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:
  - 1. A showing of good and sufficient cause;
  - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - 3. 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 as identified in Section 18.12.150(B), or conflict with existing local laws or ordinances.
- E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### 18.12.170 - Variance—Issuance procedure.

- A. Any person holding an equitable interest in any tract of land affected by this chapter may apply for a variance. Variances shall be processed as a Type 3 decision under WWCC Section 14.09.045. ~~Decisions of the administrator in the enforcement of this chapter may also be by the same method by any aggrieved party.~~
- B. ~~Application is made by submitting application forms as provided by the administrator.~~
- C. ~~A nonrefundable fee of fifty dollars is payable to cover the cost of posting, the publication of notices of the necessary public hearings, and other expenses.~~
- D. ~~Such application and fees must be reviewed on or before five p.m. of the thirtieth day prior to the regular meeting of the planning commission at which time the applications will be heard.~~
- E. ~~No application shall be accepted unless all necessary information for the notice of public hearing is provided.~~
- F. ~~Upon receipt of any valid application, the administrator shall cause to be published in the official journal of Walla Walla County a legal notice of the public hearing necessitated by the valid application. The legal notice shall be published at least one time, not more than fourteen days prior to the date of public hearing, and adjoining property owners may be notified by mail. The legal notice shall include the following:~~
  - 1. ~~The name(s) and addresses of the applicants (and of the owners) of the property;~~
  - 2. ~~A true and correct legal description of the property;~~



- ~~3. The address of the property, if one exists;~~
  - ~~4. The proposed use of the property and the reason for the public hearing;~~
  - ~~5. The time and the place of the public hearing.~~
- ~~G. Public hearing under the provisions of this chapter shall be held at regular meetings of the planning commission or at special meetings called by the planning commission provided that public notice of the meeting has been given as in subsection F of this section.~~

### ARTICLE III. - FLOOD PROTECTION STANDARDS

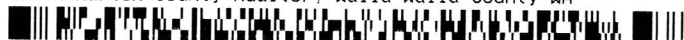
- 18.12.180 Generally.
- 18.12.190 Anchoring.
- 18.12.200 Construction material and methods.
- 18.12.210 Utilities.
- 18.12.220 Subdivision proposals.
- 18.12.230 Building permit review.
- 18.12.240 Specific standards.
- 18.12.250 Residential construction.
- 18.12.260 Nonresidential construction.
- ~~18.12.270 Mobile homes.~~
- 18.12.280 Manufactured homes.
- 18.12.285 Recreational Vehicles
- 18.12.290 Floodways.
- 18.12.300 Shallow flooding areas (AO zones).

#### 18.12.180 - Generally.

In all areas of special flood hazards the standards set out in Sections 18.12.190 through 18.12.230 are required.

#### 18.12.190 - Anchoring.

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. All ~~mobile~~ manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors, and shall be installed using methods and practices that minimize flood damage. Specific requirements shall be that:
  - 1. Over-the—top ties be provided at each of the four corners of the ~~mobile~~ manufactured home, with two additional ties per side at intermediate locations, with ~~mobile~~ manufactured homes less than fifty feet long requiring one additional tie per side;
  - 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with ~~mobile~~ manufactured homes less than fifty feet long requiring four additional ties per side;



3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and
  4. Any additions to the ~~mobile~~ manufactured home be similarly anchored.
- C. An alternative method of anchoring may involve a system designed to withstand a wind force of ninety miles per hour or greater. Certification must be provided to the administrator that this standard has been met.

18.12.200 - Construction material 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/or air—conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

18.12.210 - Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Water wells shall be located on high ground that is not in the floodway.

18.12.220 - 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 authorized source, it ~~Base flood elevation data~~ shall be provided- generated for subdivision proposals and other proposed development which contain at least fifty lots or five acres (whichever is less).
- E. Lots in the rural residential Mill Creek designation shall include sufficient buildable area outside of the floodway and floodplain for the proposed structure(s) and ancillary structures. Land divisions containing lots without sufficient buildable area pursuant to the above limitations shall only be allowed by the variance procedure.

18.12.230 - Building permit review.

- A. Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- B. Construction of any structure within the rural residential Mill Creek 5 zoning district requiring a building permit shall only take place in those areas outside of the designated



floodway and floodplain. Construction within these areas shall only be allowed pursuant to the approval of a variance.

18.12.240 - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 18.12.070 or 18.12.140(B), the provisions set out in Sections 18.12.250 through 18.12.300 are required.

18.12.250 - Residential construction.

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above one foot above base flood elevation.
- B. 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. A minimum of two openings have a total area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - 2. The bottom of all openings shall be no higher than one foot above grade.
  - 3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

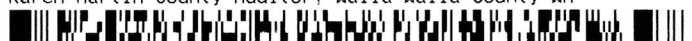
18.12.260 - Nonresidential construction.

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

- A. Be 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;
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- C. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 18.12.140(C)(2).
- D. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 18.12.250(B).
- E. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level.

~~18.12.270 - Mobile homes.~~

- ~~A. Mobile homes shall be anchored in accordance with Section 18.12.190.~~
- ~~B. For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:~~



1. ~~Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;~~
2. ~~Adequate surface drainage and access for a hauler are provided; and~~
3. ~~In the instance of elevation on pilings, that:~~
  - a. ~~Lots are larger enough to permit step,~~
  - b. ~~Piling foundations are placed in stable soil no more than ten feet apart, and~~
  - c. ~~Reinforcement is provided for pilings more than six feet above the ground level, and~~
  - d. ~~No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.~~

#### 18.12.280 - Manufactured homes.

All manufactured homes to be placed or substantially improved within zones Al-30, AH and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 18.12.190. ~~This section applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This section does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.~~

#### 18.12.285 – Recreational Vehicles

A. Recreational vehicles placed on sites are required to either:

1. Be on the site for fewer than 180 consecutive days; or
2. 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 have no permanently attached additions; or
3. Meet the requirements of Section 18.12.280 and the elevation and anchoring requirements for manufactured homes.

#### 18.12.290 - Floodways.

Located within areas of special flood hazard established in Section 18.12.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Prohibit encroachments and obstructions, including fill, new construction, substantial improvement and other uses ~~development~~ unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachments shall would not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 18.12.180 through 18.12.300.
- C. ~~Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.~~





~~DC.~~ Construction or reconstruction of residential structures is prohibited within designated floodways, except for (1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (2) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty 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. ~~Work done on structures to comply with existing health, sanitary, or safety codes~~ or to structures identified as historic places shall not be included in the fifty percent.

#### 18.12.300 - Shallow flooding areas (AO zones).

Shallow flooding areas appear on FIRM's 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 within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the ~~building structure~~, one foot or more above the depth number specified on the 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:
  1. 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); or
  2. Together with attendant utility and sanitary facilities, be completely flood proofed 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 or 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 Section 18.12.140 and Section 18.12.260.
- C. Adequate drainage paths around structures shall be required on slopes to guide floodwaters around and away from proposed structures.
- D. Recreational vehicles placed on sites within AO Zones on the community's FIRM shall either:
  1. Be on the site for fewer than 180 consecutive days; or
  2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  3. Meet the requirements of Section 18.12.280 above and the anchoring requirements for manufactured homes.

