

FERRY COUNTY ORDINANCE 2002-01

FLOOD DAMAGE PREVENTION

UPDATED

AUGUST 14, 1989 ORDINANCE #89-03
FEBRUARY 16, 1993 ORDINANCE #93-01
FEBRUARY 5, 1996 RESOLUTION #96-08
FEBRUARY 22, 1999 ORDINANCE #99-02
JUNE 17, 2000 ORDINANCE #2000-01
JANUARY 7, 2002 ORDINANCE 2002-01

FERRY COUNTY ORDINANCE #2002-01
(repealing and replacing Ferry County Ordinance-00-01 99-02, 89-03 and 78-1)

FLOOD DAMAGE PREVENTION ORDINANCE

An ordinance implementing Chapter 86.16 of the Revised Code of Washington creating land use regulations for flood hazard areas intended to regulate construction and other land uses in such areas, prescribing boundary assigning responsibility and authority, establishing a permit system, defining violations and providing penalties.

SECTION 1.0

TITLE, STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

TITLE

This ordinance and amendments thereto, shall be known and may be cited as, “The Flood Damage Prevention Ordinance”

STATUTORY AUTHORIZATION

The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Ferry County Commissioners, does ordain as follows:

FINDINGS OF FACT

- (1) The flood hazard areas of Ferry 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.
- (2) 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 flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

STATEMENT OF PURPOSE

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

- (a) To protect human life and health;
- (b) To minimize expenditure of public money and costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

METHODS OF REDUCING FLOOD LOSSES

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

- (1) 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;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

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

“ADMINISTRATOR” is the Planning Director, who shall be responsible for the administration and enforcement of the provisions of these regulations within the unincorporated territory of Ferry County.

“APPEAL” means a request for a review of the Administrator’s interpretation of any provision of this ordinance or a request for a variance.

“AREA OF SPECIAL FLOOD HAZARD” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“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.” Designation on maps always includes the letters A or V.

“BASEMENT” means any area of the building having its floor subgrade (below ground level) on all sides.

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

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

“DEVELOPMENT” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“ELEVATED BUILDING” means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

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

“EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

- (6) The overflow of inland or tidal waters and/or
- (7) 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.

“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 ordinance found at Section 5.2-2(2).

“MANUFACTURED HOME” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“MANUFACTURED HOME PARK OR SUBDIVISION” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“NEW CONSTRUCTION” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

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

“RECREATIONAL VEHICLE” means a vehicle which is:

- 3.1 Built on a single chassis;
- 3.2 Designed to be self-propelled or permanently towable by a light duty truck; and
- 3.3 Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“START OF CONSTRUCTION” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 1 year of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

“SUBSTANTIAL DAMAGE” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“SUBSTANTIAL IMPROVEMENT” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 3.2 Before the improvement or repair is started; or
- 3.3 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 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
- 4.1 Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

“VARIANCE” means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

“WATER DEPENDENT” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

SECTION 3.0
GENERAL PROVISIONS

(1) LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Ferry County.

4.2 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 Ferry County" dated April 17, 1985, 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 ordinance. The Flood Insurance Study and the FIRM are on file at the Ferry County Planning Department. The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 4.3-2.

ADMINISTRATION AND ENFORCEMENT

When the Administrator finds that any of the provisions of this ordinance are being violated, the Administrator shall provide, or cause to be provided, written notice to the owner of the property, or to such other person as may be in a position to remedy the violation, indicating the nature of the alleged violation, and ordering the action necessary to correct it. The Administrator shall order timely discontinuance of the illegal use of land, building, or structures, removal of illegal buildings, structures or additions, alterations, or structural changes or discontinuance of any illegal construction or work being done, and shall take other lawful actions to cause compliance with it.

The Ferry County Prosecuting Attorney, at the request of the Administrator, shall institute necessary legal proceeding to enforce the provisions of this ordinance.

PENALTIES FOR NON-COMPLIANCE

Any person who violates any court order or injunction issued pursuant to this ordinance, and for which no punishment is specifically covered by RCW App. 58.1, etc. being Ch. 271, Laws 1st Sess. 1969 and Ch. 134, Laws of 1974, shall be guilty of a gross misdemeanor, and shall be punished by imprisonment in the County Jail for not more than one (1) year, or by a fine of one thousand dollars (\$1,000.00), or by both. Enforcement of this section shall be by the Prosecuting Attorney of Ferry County or Attorney General under Section 13 State Act.

ABROGATION AND GREATER RESTRICTIONS

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

INTERPRETATION

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

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of Ferry County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 4.0

PERMITS, APPROVALS, APPEALS, AND VARIANCES

(i) ESTABLISHMENT OF DEVELOPMENT PERMIT

4.1-1 Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the “DEFINITIONS,” and for all development including fill and other activities, also as set forth in the “DEFINITIONS.”

4.1-2 Application for Development Permit

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:

- (3) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (4) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (5) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-3; and
- (6) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(1) DESIGNATION OF THE LOCAL ADMINISTRATOR

The Planning Director is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

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

4.3-1 Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - (i) 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.
- (5) 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 5.4(1) are met.

4.3-2 Use of Other Base Flood Data (In A and V Zones)

When base flood elevation data has not been provided (A and V Zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, 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 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.

4.3-3 Information to be Obtained and Maintained

- (6) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 4.3-2, 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.
- (7) For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 4.3-2:
 - (1) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed and
 - (2) Maintain the floodproofing certifications required in Section 4.1-2(3).
 - (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 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.

4.3-5 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 Section 4.4.

(6) VARIANCE PROCEDURE

4.4-1 Appeal Board

- (7) The Ferry County Planning Commission as established by the Board of Ferry County Commissioners shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (8) The Ferry County Planning Commission 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 ordinance.

- (9) Those aggrieved by the decision of the Ferry County Planning Commission, or any taxpayer, may appeal such decision to the Superior Court, as provided in RCW 86.16.
- (10) In passing upon such applications, the Ferry County Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (11) The danger that materials may be swept onto other lands to the injury of others;
 - (12) The danger to life and property due to flooding or erosion damage;
 - (13) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (14) The importance of the services provided by the proposed facility to the community;
 - (15) The necessity to the facility of a waterfront location, where applicable;
 - (16) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (17) The compatibility of the proposed use with existing and anticipated development;
 - (18) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (19) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (20) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (21) 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.

5.1 Upon consideration of the factors of Section 4.4-1(4) and the purposes of this ordinance, the Ferry County Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- (1) The administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

4.4-2 Conditions for Variances

- (1) 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 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 (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

- (2) 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 this section.
- (3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (1) 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;
 - (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, or conflict with existing local laws or ordinances.

5.2 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.

- (1) 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 4.4-2(1), and otherwise complies with Sections 5.1-1, 5.1-3, and 5.1-4 of the GENERAL STANDARDS.
 - (i) 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.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

(1) GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

5.1-1 Anchoring

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

5.8 All manufactured homes must likewise 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 (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

5.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 Utilities

- 1 All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- 2 The proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171);
- 3 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and,
- 4 Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 5 Underground fuel or chemical storage tanks shall not be permitted within an "area of special flood hazard".

5.1-4 Subdivision Proposals

- 3 All subdivision proposals shall be consistent with the need to minimize flood damage;
- 4 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;
- 5 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- 6 Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5.1-5 Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 4.3-2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

5 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE on the community's FIRM) as set forth in Section 3.2, **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**, or Section 4.3-2, Use of Other Base Flood Data (In A and V Zones), the following provisions are required:

All Construction

When permitted, all structures are to be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters, the Administrator shall ensure that: whenever reasonably possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and so far as practical, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

5.2-2 Residential Construction

- 5 New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
- 6 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:
 - 5 A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 6 The bottom of all openings shall be no higher than one foot above grade.
 - 7 Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5.2-3 Nonresidential Construction

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

- 1) 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;
- 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- 3) 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 4.3-3(2);
- 4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2-2(2);
- 5) 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 the base flood level will be rated as one foot below).

Manufactured Homes

(1) All manufactured homes to be placed or substantially improved on 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
- 8 In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

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

(2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions be elevated so that either:

- (i) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation, or
- (ii) The manufactured home chassis is supported by reinforced piers or other

foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

5.2-5 Recreational Vehicles

Recreational vehicles placed on sites 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 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
- (4) Meet the requirements of 5.2-4 above and the elevation and anchoring requirements for manufactured homes.

Accessory Structures

In A Zones (including A, AE, A1-30, AH, AO, AR zones) construction or substantial improvement of accessory structures, used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds) shall either have the lowest floor elevated one foot or more above the base flood elevation; or must meet the following criteria: be built at grade and wet floodproofed provided that they represent a minimal investment and are designed to have a low damage potential with respect to the structure and contents. No Elevation Certificate will be required. Note: Flood insurance rates will be based on the elevation of the lowest floor of the structure.

The following requirements, at a minimum, must be attached to the permit for an accessory structure:

- it must be anchored to resist flotation, collapse, and lateral movement;
- the portions of these structures located below the BFE must be constructed of flood-resistant materials;
- it must be designed to allow for the automatic entry and exit of flood waters: “A minimum of two openings having a total net area of not less than one square inch per square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings provided they permit the automatic entry and exit of floodwaters per FEMA guidelines.
- mechanical and utility equipment must be elevated above the BFE;
- it must comply with the floodway encroachment provisions of the NFIP Regulations;
- its use must be limited to parking and/or limited storage; and
- structures shall not be designed or used for human habitation.

Certain Agricultural Structures

In A Zones (including A, AE, A1-30, AH, AO, AR zones) certain types of agricultural structures located in wide, expansive floodplains may be built at grade and wet floodproofed provided that the structure is used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including raising of livestock. Only in circumstances when it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety, may be permitted. No Elevation Certificate will be required. Note: Flood insurance rates will be based on the elevation of the lowest floor of the structure.

Types of agricultural structures that may be wet floodproofed are:

- Farm Storage Structures used exclusively for the storage of farm machinery and equipment (e.g. pole and pre-fabricated metal frame structures with open or closed sides).
- Grain bins.
- Corn cribs.
- General purpose barns for the temporary feeding of livestock, provided they remain open on at least one side.

In addition to the requirements 1-5 under the Accessory Structure category Presented above, a permit for an agricultural structure must also be limited to Agricultural purposes.

5.3 BEFORE REGULATORY FLOODWAY

In areas where 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.

5.4 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 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:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided

demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

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 shall not be included in the 50 percent.

- (3) If Section 5.4(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.

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 or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

SECTION 6.0 SEVERABILITY

If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances shall not be affected.

SECTION 7.0 REPEALER

FERRY COUNTY Ordinance-00-01; 99-02, 89-03 and 78-1, relating to Flood Hazard Areas, is repealed, effective as of the effective date of this revised ordinance.

SECTION 8.0 EFFECTIVE DATE

**SECTION 8.0
EFFECTIVE DATE**

This ordinance shall come into full force and effect, the 7th day of JANUARY, 2002.

DATED this 7 th day of JAN, 2002.

FERRY COUNTY BOARD OF COMMISSIONERS



Dennis A. Snow
Chairman

Jameson Hall
Member

Mr. Bley
Member

Attest:

Lynne Baurie
Clerk of the Board