

1 **Chapter 15.12**
2 **FLOOD HAZARD REGULATIONS**

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28 Prior legislation: Ords. 621, 625, 643, 776, 856, 890, 920, 976, 1015, 1031, 1093, 1198, 1203 and 1234.

29 **Article I. Findings of Fact and Purpose**

30 **15.12.010 Findings.**

31 A. The flood hazard areas of the city of Snoqualmie are subject to periodic inundation which may result in loss of
32 life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary
33 public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the
34 public health, safety and general welfare.

35 B. These flood losses may be caused by the cumulative effects of obstructions in areas of special flood hazard that
36 increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are
37 inadequately floodproofed, elevated or otherwise protected also contribute to flood loss. (Ord. 1237 § 1, 2020).

38 **15.12.020 Purpose.**

39 A. These regulations are promulgated in order to promote the public health, safety and general welfare, and to
40 minimize public and private losses due to flood conditions in specific areas by provisions designed:

- 41 1. To protect human life and health;

- 42 2. To minimize expenditure of public money for costly flood control projects;
- 43 3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the
44 expense of the general public;
- 45 4. To minimize prolonged business interruptions;
- 46 5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and
47 sewer lines, streets and bridges located in areas of special flood hazard;
- 48 6. To help maintain a stable tax base by providing for the sound use and development of special flood hazard
49 areas so as to minimize blight areas caused by flooding;
- 50 7. To notify potential buyers that property is in a special flood hazard area;
- 51 8. To notify those who occupy the special flood hazard areas that they assume responsibility for their actions;
52 and
- 53 9. To participate in and maintain eligibility for flood insurance and disaster relief.
- 54 B. It is further the purpose of these regulations to comply with the requirements of the National Flood Insurance
55 Program by adoption of floodplain management regulations consistent with federal criteria, as set forth in Title 44
56 CFR, Subchapter B – Insurance and Hazard Mitigation. (Ord. 1237 § 1, 2020).

57 **15.12.030 Methods of reducing flood losses.**

58 In order to accomplish the foregoing purposes, this chapter includes methods and provisions for:

- 59 A. Restricting or prohibiting development that is dangerous to health, safety and property due to water or erosion
60 hazards, or which results in damaging increases in erosion or flood heights or velocities;
- 61 B. Requiring that development vulnerable to floods be protected against flood damage at the time of initial
62 construction or substantial improvement;
- 63 C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help
64 accommodate the storage or channeling of floodwaters;
- 65 D. Controlling the filling, grading, dredging, and other development which may increase flood damage;
- 66 E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase
67 flood hazards in other areas; and
- 68 F. Such other measures as are deemed necessary and appropriate in light of any special vulnerability to flood
69 damage of a specific site due to location or natural features. (Ord. 1237 § 1, 2020).

70 **Article II. Definitions**

71 **15.12.040 Definitions.**

72 Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted to have the
73 meaning they have in common usage and to give this chapter its most reasonable application to effectuate its
74 purposes. The following words and phrases shall for purposes of this chapter have the following meanings:

- 75 A. “Alteration of watercourse” means any action that will change the location of the channel occupied by water
76 within the banks of any portion of a riverine water body.
- 77 B. “Appeal” means a request for a review of the floodplain administrator’s interpretation of this chapter, or review
78 by superior court of a decision of the hearing examiner such as a request for a variance.

- 79 C. “Area of shallow flooding” means a designated AO, AH, AR/AO, or AR/AH (or VO) zone on a community’s
80 flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one
81 to three feet; where a clearly defined channel does not exist; where the path of flooding is unpredictable; and where
82 velocity flow may be evident. Also referred to as the “sheet flow area.”
- 83 D. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or
84 greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO,
85 AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous with this term.
- 86 E. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also
87 referred to as the “100-year flood.”
- 88 F. “Base flood elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.
- 89 G. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.
- 90 H. “Critical facility” means a facility for which even a slight chance of flooding might be too great a threat. Critical
91 facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response
92 installations, and installations which produce, use or store hazardous materials or hazardous waste.
- 93 I. “Development” means any manmade changes to improved or unimproved real estate, including but not limited to
94 buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage
95 of equipment or materials located within an area of special flood hazard.
- 96 J. “Fill” means any natural or processed earthen material of any nature whatsoever, including, but not limited to,
97 soil, wood chips, gravel, crushed rock, concrete, or asphalt, imported to a lot, tract or parcel, other than those
98 materials that are directly incorporated into a building or structure. Fill is considered development (see definition
99 above) for the purposes of this chapter. For purposes of construction of railroad track, “fill” shall not include such
100 ballast as may be required by state or federal regulations to provide for the stability of the track, not exceeding 16
101 inches in depth. For purposes of road, driveway, sidewalk or approved parking area construction, “fill” shall include
102 materials used to construct to subgrade, including gravel or rock, but shall not include above-grade concrete, asphalt,
103 gravel or other paving material, if any, not exceeding four inches in total thickness; and further provided, for
104 purposes of public streets, “fill” shall not include materials used to construct to six inches of subgrade to create a
105 roadway crown, where deemed necessary or appropriate by the city engineer.
- 106 K. “Flood” or “flooding” means:
- 107 1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- 108 a. The overflow of inland or tidal waters;
- 109 b. The unusual and rapid accumulation of runoff of surface waters from any source; and/or
- 110 c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of
111 this definition, and are akin to a river of liquid and flowing mud on the surfaces of normally dry land
112 areas, as when earth is carried by a current of water and deposited along the path of the current.
- 113 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or
114 undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by
115 an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated
116 force of nature such as a flash flood or abnormal tidal surge, or by some similarly unusual and foreseeable
117 event which results in flooding as defined in subsection (1)(a) of this definition.
- 118 L. “Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administrator has
119 delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM
120 that has been made available digitally is called a “digital flood insurance rate map (DFIRM).”

- 121 M. “Flood insurance study” or “flood elevation study” means an examination, evaluation, and determination of
122 flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation, and
123 determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- 124 N. “Floodplain” or “flood-prone area” means a land area susceptible to being inundated by water from any source.
- 125 O. “Floodplain administrator” means the community official designated to administer and enforce the floodplain
126 management regulations. The community development director (or designee) is the city’s floodplain administrator.
- 127 P. “Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to
128 structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary
129 facilities, structures and their contents. Floodproofed structures are those that have the structural integrity and design
130 to be impervious to floodwater below the base flood elevation.
- 131 Q. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved
132 in order to discharge the base flood without cumulatively increasing the water surface elevation more than a
133 designated height. Also referred to as the “regulatory floodway.”
- 134 R. “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or
135 carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary
136 for the loading and unloading of cargo or passengers, and ship building or ship repair facilities. The term does not
137 include long-term storage or related manufacturing activities.
- 138 S. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to
139 the proposed walls of a structure.
- 140 T. “Historic structure” means any structure that is:
- 141 1. Listed individually in the National Register of Historic Places, or preliminarily designated by the Secretary
142 of the Interior as meeting the requirements for individual listing on the National Register; or
- 143 2. Certified or preliminarily designated by the Secretary of the Interior as contributing to the historical
144 significance of a registered historic district or a district primarily determined by the Secretary to qualify as a
145 registered historic district; or
- 146 3. Individually listed on the Washington State inventory of historic places; or
- 147 4. Individually listed on King County’s or the city of Snoqualmie’s inventory of historic places.
- 148 U. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-
149 resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement
150 area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the
151 structure in violation of the applicable nonelevation design requirements of this chapter (i.e., provided there are
152 adequate flood ventilation openings).
- 153 V. “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent
154 chassis and is designed for use with or without permanent foundation when attached to the required utilities. The
155 term does not include a recreational vehicle.
- 156 W. “Manufactured home park” or “manufactured home subdivision” means a parcel (or series of contiguous parcels)
157 of land divided into two or more lots for sale or rent for the placement of manufactured homes.
- 158 X. “Market value” means the value a structure would bring on the open market upon reasonable exposure to sale,
159 excluding the value of the land itself, as determined by the floodplain administrator based on the improvement value
160 published by the King County assessor. In no event, however, shall such value be less than the assessed value for tax
161 purposes as determined by the King County assessor. The floodplain administrator shall also be guided by Section
162 4.5 – Determining Market Value of the Substantial Improvement/Substantial Damage Manual, FEMA P-758.

- 163 Y. “Mechanical equipment” means electrical, heating, ventilation, plumbing, and air conditioning equipment and
164 other service facilities (including ductwork).
- 165 Z. “Mean sea level” means the vertical datum to which base flood elevations shown on a community’s FIRM are
166 referenced.
- 167 AA. “New construction” means:
- 168 1. For the purposes of determining insurance rates, structures for which the start of construction commenced on
169 or after June 25, 1984, and includes any subsequent improvements to such structures.
- 170 2. For floodplain management purposes, structures for which the start of construction commenced on or after
171 July 10, 1989, and includes any subsequent improvements to such structures.
- 172 BB. “Person” includes any individual, or group of individuals, corporation, partnership, association, or other entity,
173 including state and local governments and agencies.
- 174 CC. “Recreational vehicle” means a vehicle:
- 175 1. Built on a single chassis;
- 176 2. Four hundred square feet or less when measured at the largest horizontal projection;
- 177 3. Designed to be self-propelled or permanently towable by a light duty truck; and
- 178 4. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational,
179 camping, travel or seasonal use.
- 180 DD. “Start of construction” includes substantial improvement and means the date the building permit was issued;
181 provided, the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other
182 improvement was within 180 days of the permit issuance date. The “actual start of construction” means either the
183 first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the
184 installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a
185 manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing,
186 grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for
187 a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on
188 the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main
189 structure. For substantial improvement, the “actual start of construction” means the first alteration of any wall,
190 ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of
191 the building.
- 192 EE. “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above
193 ground, as well as a manufactured home.
- 194 FF. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the
195 structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure
196 before the damage occurred.
- 197 GG. “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a
198 structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of
199 construction of the improvement. This term includes structures which have incurred substantial damage, regardless
200 of the actual repair work performed. The term does not include either:
- 201 1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or
202 safety code specifications which have been identified by the local code enforcement official and are the
203 minimum necessary to assure safe living conditions; or

204 2. Any alteration of a historic structure, provided the alteration will not preclude the structure's continued
205 designation as a historic structure.

206 HH. "Variance" means a grant of relief from the requirements of this chapter. (Ord. 1237 § 1, 2020).

207 **Article III. General Provisions**

208 **15.12.050 Lands to which chapter applies.**

209 A. This chapter shall apply to all special flood hazard areas within the corporate limits of the city.

210 B. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering
211 report titled "The Flood Insurance Study (FIS) for King County, Washington, and Incorporated Areas," dated
212 August 19, 2020, and any revisions thereto, are hereby adopted by reference. The FIS and FIRM are on file at
213 Snoqualmie City Hall. The best available information for flood hazard identification as outlined in SMC
214 15.12.120(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under SMC
215 15.12.120(B). (Ord. 1237 § 1, 2020).

216 **15.12.060 Compliance required – Penalties.**

217 All development within the special flood hazard area is subject to the terms of this chapter and other applicable
218 regulations.

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

221 B. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations
222 of conditions and safeguards established in connection with conditions by the floodplain administrator pursuant to
223 the authority of this chapter) after notice of violation and order to comply issued by the floodplain administrator
224 shall constitute a civil infraction. Any person who violates the provisions of this chapter or fails to comply with any
225 of its requirements shall be subject to a cumulative civil penalty of \$500.00 per day from the date set for compliance
226 in the order to comply until such violation is corrected, or compliance with such order occurs. The penalty provided
227 shall be collected by civil action in district court.

228 C. Nothing contained herein shall be construed to prevent the floodplain administrator from taking such other lawful
229 action as is necessary to prevent or remedy any violation, and all violations shall also be subject to abatement as a
230 public nuisance pursuant to Chapter 8.16 SMC, including removal of unlawful structures, fill or flood barriers, at the
231 owner's expense.

232 D. In any action to collect a civil penalty, the defendant may show that the violation giving rise to such action was
233 caused by the willful act or neglect of another, or that correction of such violation was commenced promptly upon
234 receipt of notice thereof but that full compliance within the time specified was prevented by inability to obtain
235 necessary materials or labor, or other circumstances or conditions beyond the defendant's control, and upon such
236 showing the court may abate all or part of the penalty accumulated as justice may require. (Ord. 1237 § 1, 2020).

237 **15.12.070 Abrogation and greater restrictions.**

238 This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions.
239 However, where the provisions of this chapter and any other ordinance, easement, covenant, or deed provision
240 conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1237 § 1, 2020).

241 **15.12.080 Interpretation.**

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

243 A. Considered as absolute minimum requirements;

244 B. Liberally construed in favor of the city; and

245 C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 1237 § 1, 2020).

246 **15.12.090 Warning and disclaimer of liability.**

247 The degree of flood protection required by this chapter is deemed reasonable for regulatory purposes and is based on
248 scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be
249 increased by manmade or natural causes. This chapter does not imply that land outside of special flood hazard areas,
250 or uses permitted within such areas, will be free from flooding or flood damages. This chapter shall not create any
251 liability on the part of the city of Snoqualmie, any officer or employee thereof, or the Federal Insurance
252 Administration, for any damages that result from reliance on this chapter or any administrative decisions lawfully
253 made hereunder. (Ord. 1237 § 1, 2020).

254 **Article IV. Administration**

255 **15.12.100 Community development director to administer.**

256 The community development director of the city shall be the floodplain administrator and shall administer,
257 implement, and enforce the provisions of this chapter, and shall have the authority to grant or deny flood
258 improvement permits in accordance with its provisions. The community development director may delegate
259 authority to implement these provisions to the building official or other city official. (Ord. 1237 § 1, 2020).

260 **15.12.110 Development permit required.**

261 A. Prohibition. No land within the areas of special flood hazard shall hereafter be subdivided, short platted or have
262 its lot lines adjusted; nor be improved, filled, graded or cleared; nor shall any structure, including a manufactured
263 home, be constructed, reconstructed, substantially improved, relocated or erected, nor shall any other development,
264 as defined above, be commenced upon such land, unless the person responsible therefor shall first obtain a
265 development permit for such action, to be known as a flood improvement permit.

266 B. Permit Application. Application for a development permit shall be made on forms as prescribed by the floodplain
267 administrator, and may include but not be limited to plans in duplicate drawn to scale, showing the nature, location,
268 dimensions and elevations of the area for which application is made, and existing or proposed structures, fill, storage
269 of materials, drainage facilities and their locations. The following information and documents shall be required:

- 270 1. The name and address of the applicant;
- 271 2. The name and address of the legal owner;
- 272 3. The legal description of the property;
- 273 4. The nature of the proposed action;
- 274 5. A statement as to the proposed use of any structure;
- 275 6. A statement as to whether the proposed action is temporary or permanent;
- 276 7. The elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- 277 8. The elevation in relation to mean sea level to which any structure has been floodproofed;
- 278 9. The certification of registered professional engineer or architect that the floodproofing methods for any
279 nonresidential structure meet the floodproofing criteria of this chapter;
- 280 10. A description of the extent to which a watercourse will be altered or relocated as a result of the proposed
281 development;
- 282 11. Where development is proposed in a floodway, an engineering analysis indicating no net rise of the base
283 flood elevation;
- 284 12. Any other information that may be reasonably required by the floodplain administrator in order to review
285 the application; and

286 13. A floodplain habitat assessment and mitigation plan may be required unless the floodplain administrator
287 makes and documents a determination of no adverse effect on any species listed under the Endangered Species
288 Act. The habitat assessment and mitigation plan shall be prepared at the applicant's sole expense by a qualified
289 consultant in accordance with the requirements of the Floodplain Habitat Assessment and Mitigation Draft
290 Regional Guidance 2011 prepared by FEMA Region X, or any successor guidance document approved by
291 FEMA for habitat assessment and mitigation. The city's actual costs of review of applicant's habitat assessment
292 and mitigation plan shall be paid by the applicant.

293 C. Permits May Be Conditioned or Denied. All proposals shall be reviewed for and may be denied or conditioned
294 upon their effect upon their compliance with the requirements of this chapter, including but not limited to their effect
295 upon storage and conveyance of floodwaters.

296 D. Permit Fees. The fees for processing flood improvement permit applications shall be as established by resolution
297 of city council.

298 E. Hazards and Emergencies.

299 1. The floodplain administrator may temporarily waive the requirement to obtain a permit under this chapter if
300 they determine that a hazard and/or emergency that threatens the public health, safety and welfare has occurred
301 or is occurring. Waiver of the requirement to obtain a permit shall not waive the requirement to comply with
302 any other provision of this chapter, except that the floodplain administrator may allow abatement of an
303 emergency in a manner not otherwise allowed by this chapter, provided such abatement is removed, replaced,
304 or otherwise modified to be in conformance with the provisions of this chapter within a reasonable time as
305 determined by the floodplain administrator, not to exceed one year.

306 2. The floodplain administrator shall require a permit once they have determined that the hazard and/or
307 emergency is no longer occurring, or that the circumstances which lead to the hazard or emergency have
308 sufficiently abated to minimize the hazard or end the emergency.

309 3. The floodplain administrator shall transmit a report to the mayor and city council detailing any and all
310 activity authorized under this section within 30 days of the termination of the hazard and/or emergency; or if
311 the emergency extends for a period in excess of 30 days, then the floodplain administrator shall transmit a
312 report every 30 days for the duration of the emergency.

313 4. Determination of Hazard or Emergency.

314 a. For the purposes of this chapter, and except as provided by this section, determinations of a hazard
315 and/or emergency are at the discretion of the floodplain administrator, in consultation with the emergency
316 management director, city administrator, and mayor.

317 b. The declaration of an emergency by the mayor under Chapter 2.48 SMC shall constitute a hazard and/or
318 emergency under this chapter. (Ord. 1237 § 1, 2020).

319 **15.12.120 Duties of the floodplain administrator.**

320 Duties of the floodplain administrator shall include but not be limited to the following:

321 A. Permit Review. Review all development permits to determine that:

322 1. The permit requirements of this chapter have been satisfied;

323 2. All other required state and federal permits have been obtained;

324 3. The site is reasonably safe from flooding;

325 4. The proposed development is not located in the floodway. If located in the floodway, ensure the
326 encroachment provisions of this chapter are met;

327 5. Base flood elevation data is available for the site of the proposed development. If base flood information is
328 not available, ensure base flood elevation is determined or alternative base flood data is provided per subsection
329 B of this section; and

330 6. FEMA is notified when annexations occur in the special flood hazard area.

331 B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with SMC
332 15.12.050(B), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and
333 floodway data available from a federal, state or other source, in order to administer the provisions of SMC
334 15.12.160, Specific standards, and SMC 15.12.170, Floodways.

335 C. Information to Be Obtained and Maintained. The floodplain administrator shall obtain, record and maintain for
336 public inspection the following information:

337 1. Where base flood elevation data is provided through a flood insurance study (FIS), FIRM, or as required by
338 SMC 15.12.050(B), the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including
339 basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

340 2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data
341 is provided through the FIS, FIRM, or as required by SMC 15.12.050(B):

342 a. Verify and record the actual elevation (in relation to mean sea level) to which the structure was
343 floodproofed;

344 b. Maintain the floodproofing certifications required by this chapter;

345 3. Certification required by SMC 15.12.170 regarding floodway encroachments;

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

347 5. Improvement and damage calculations; and

348 6. All other records pertaining to the provisions of this chapter.

349 D. Alteration of Watercourses. With respect to any alteration or relocation of a watercourse, the floodplain
350 administrator shall:

351 1. Notify adjacent communities and the Washington State Department of Ecology prior to such alteration or
352 relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator;
353 and

354 2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the
355 flood carrying capacity is not diminished.

356 E. Interpretation of FIRM Boundaries. The floodplain administrator shall make interpretations where needed as to
357 the exact location of the boundaries of the areas of special flood hazard; for example, where there appears to be a
358 conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary
359 shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted when consistent
360 with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR
361 59-76) as the same now exist or may hereafter be amended.

362 F. Inspections and Right of Entry.

363 1. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the
364 floodplain administrator or designee has reasonable cause to believe that there exists in any building or upon
365 any lands any condition or violation of this chapter, the floodplain administrator or designee may enter such
366 building or lands at all reasonable times to inspect the same or to perform any duty imposed on the floodplain
367 administrator by this chapter, provided, that if such building or lands be occupied, they shall first identify

368 themselves and request entry; and if such building or lands is unoccupied, they shall first make a reasonable
369 effort to locate the owner or person having control of the building or lands and request entry. If such entry is
370 refused, the floodplain administrator or designee shall have recourse to every remedy provided by law to secure
371 entry.

372 2. No owner or occupant or any other person having charge, care or control of any building or lands shall fail or
373 neglect, after proper request, to promptly permit entry by the floodplain administrator or designee for the
374 purposes authorized above. (Ord. 1237 § 1, 2020).

375 **15.12.130 Variances.**

376 A. Purpose. The variance provision is provided to property owners who, due to the strict application of standards set
377 forth in this chapter, and/or due to unique circumstances regarding the subject property, are deprived of privilege
378 commonly enjoyed by other properties in the same vicinity and flood area and under the same flood regulation;
379 provided, however, the fact that surrounding properties have been developed under regulations in force prior to the
380 adoption of this code shall not be the sole basis for the granting of a variance.

381 B. Intent. The variance criteria set forth in this section are based on the general principle of zoning law that
382 variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of
383 property with physical characteristics so unusual that complying with the requirements of this chapter would create
384 an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to
385 the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to
386 the structure, its inhabitants, or the property owners.

387 It is the duty of the city of Snoqualmie to help protect its citizens from flooding. This need is so compelling and the
388 implications of the cost of insuring a structure built below the base flood elevation are so serious that variances from
389 the flood elevation or from other requirements in the flood hazard regulations are quite rare. The long-term goal of
390 preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the
391 variance criteria provided in this section are very detailed and contain multiple provisions that must be met before a
392 variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other
393 than a variance are more appropriate.

394 C. The hearing examiner of the city shall hear and decide requests for variances from the requirements of this
395 chapter.

396 D. Variances from the strict application of this chapter may be granted only upon full consideration of the matters
397 set forth in subsections E and F of this section. No variance may be granted from the requirements of SMC
398 15.12.160(A) or (B) or SMC 15.12.170(B), and no variance may be granted to any requirement in this chapter to
399 elevate a structure, mechanical equipment, or other development.

400 E. Variance Criteria.

401 1. Variance shall only be issued if the hearing examiner finds on the basis of clear and convincing evidence
402 that:

403 a. A showing of good and sufficient cause has been made;

404 b. Failure to grant the variance would result in exceptional hardship to the applicant; and

405 c. Granting of a variance will not result in increased flood heights, additional threats to public safety,
406 extraordinary public expense or nuisance, or conflict with any other existing local laws or ordinances.

407 2. Variances may be issued for the reconstruction, repair, rehabilitation, or restoration of structures listed on the
408 National Register of Historic Places or a comparable state inventory of historic places, without regard for the
409 procedures set forth in this section.

410 3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base
411 flood discharge would result.

412 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering
413 the flood hazard, to afford relief.

414 5. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot
415 of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below
416 the base flood level, providing the provisions of subsection F of this section have been fully considered. As the
417 lot size increases beyond the one-half acre, the technical justification required for issuing the variance
418 increases.

419 F. In passing upon such applications, the hearing examiner shall consider all technical evaluations, relevant factors,
420 standards specified in other sections of this chapter, and the following:

421 1. The danger that materials may be swept onto other lands to the injury of others;

422 2. The danger to life and property due to flooding or erosion damage;

423 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on
424 the individual owner;

425 4. The importance of the services provided by the proposed facility to the community;

426 5. The necessity to the facility of a waterfront location, if applicable;

427 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion
428 damage;

429 7. The compatibility of the proposed use with existing and anticipated development;

430 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that
431 area;

432 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

433 10. The expected heights, velocities, duration, rate of rise and sediment transport of the floodwaters expected at
434 the site; and

435 11. The costs of providing governmental services during and after flood conditions, including maintenance and
436 repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

437 G. Upon consideration of the factors specified in subsections E and F of this section and the purposes of this chapter,
438 the hearing examiner may approve, approve with conditions such as it deems necessary to further the purposes of
439 this chapter, or deny the request.

440 H. The floodplain administrator shall maintain records of all appeal actions and report any variances to the Federal
441 Insurance Administrator upon request.

442 I. Any applicant to whom a variance is granted shall be given a written notice that the structure will be permitted to
443 be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be
444 commensurate with the increased risk resulting therefrom. All risk of damage or loss not covered by flood insurance
445 occurring as a result of such variance permitting a reduction in the required elevation for the lowest floor shall be
446 borne solely by the applicant.

447 J. Appeals. See SMC 15.12.190(B). (Ord. 1237 § 1, 2020).

448 **15.12.140 Changes to special flood hazard area.**

449 A. If a project will alter the BFE or boundaries of the SFHA, then the project proponent (applicant) shall provide
450 engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of
451 the SFHA would normally require a letter of map change, then the project proponent shall initiate, and receive

452 approval of, a conditional letter of map revision (CLOMR) prior to approval of the development permit. The project
453 shall be constructed in a manner consistent with the approved CLOMR.

454 B. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation
455 package to the floodplain administrator to be attached to the floodplain development permit, including all required
456 property owner notifications. (Ord. 1237 § 1, 2020).

457 **Article V. Flood Hazard Reduction**

458 **15.12.150 General standards.**

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

460 A. Finished Grade After Construction.

461 1. After construction or other development, but prior to final building inspection, certificate of occupancy or
462 other final approval, the applicant shall obtain and furnish to the city a topographic survey, prepared by a
463 licensed surveyor or engineer, with sufficient scale and contour to interval to adequately assess variation in
464 ground surface and determine the average grade after construction or development, unless the requirement for a
465 topographic survey was waived at the time of application.

466 2. The average finished grade of all lots, tracts or parcels after construction of a building or other development,
467 excluding the area occupied by the above-grade building or other development, shall be no greater than the
468 average grade of the lot prior to construction or development. After construction or other development but prior
469 to final building inspection, the applicant shall furnish, together with the topographic survey, the written
470 certification of the licensed surveyor or engineer preparing the topographic survey that the finished grade meets
471 the requirement of this subsection. No building or other development shall be occupied or used if the
472 requirements of this section are not met.

473 3. Any earth material that must be removed from a site in order to comply with the requirements of this chapter
474 shall be transported to an approved disposal site at the applicant's or property owner's sole expense, and
475 evidence of such disposal shall be furnished to the floodplain administrator.

476 B. Anchoring.

477 1. All new construction and substantial improvements, including those related to manufactured homes, shall be
478 anchored to prevent flotation, collapse or lateral movement of the structure, resulting from hydrodynamic and
479 hydrostatic loads including the effects of buoyancy, pursuant to a design prepared by a registered professional
480 engineer or architect licensed by the state of Washington.

481 2. All manufactured homes shall be anchored to prevent flotation, collapse or lateral movement, and shall be
482 installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not
483 limited to, use of over-the-top or frame ties to ground anchors. All anchoring designs shall be prepared by a
484 registered professional engineer or architect.

485 C. Construction Materials and Methods.

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

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

490 3. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be
491 elevated at least ~~one foot~~**two feet** above the BFE so as to prevent water from entering or accumulating within
492 the components during conditions of flooding.

493 D. Utilities.

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

496 2. New water wells shall be located on high ground that is not in the floodway.

497 3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of
498 floodwaters into the systems and discharge from the systems into floodwaters.

499 4. On-site waste disposal systems, if otherwise permitted, shall be located to avoid impairment to them or
500 contamination from them during flooding.

501 E. Subdivision, Short Subdivision, Binding Site Improvement Plan and Commercial and Multifamily Site Plan
502 Approval Proposals as Well as New Development Within Areas of Special Flood Hazard.

503 1. All subdivision, short subdivision, binding site improvement plan and commercial and multifamily site plan
504 proposals, as well as new development within areas of special flood hazard shall be subject to the provisions of
505 this subsection.

506 2. All proposals shall be consistent with the need to minimize flood damage.

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

509 4. All proposals shall have adequate drainage provided to reduce exposure to flood damage.

510 5. Where subdivision, short subdivision, binding site improvement plan, and commercial and multifamily site
511 plan proposals contain more than 50 lots and/or more than five acres, base flood elevation data shall be
512 provided as part of the application.

513 6. All proposals shall be reviewed for, and may be denied or conditioned upon, their effect upon storage and
514 conveyance of floodwaters. The design of all projects shall be reviewed specifically (without limitation of
515 review for compliance with all other requirements) to ensure compliance with the requirements of SMC
516 15.12.160(E) and to eliminate potential flood barriers to the maximum degree possible.

517 7. No subdivision proposal shall be approved until the application has been submitted to the Department of
518 Ecology and the floodplain administrator has either received the comments of the Department of Ecology or
519 confirmed in writing that the Department of Ecology does not intend to submit comments.

520 F. Review of Building Permits. Where elevation data is not available either through the flood insurance study,
521 FIRM, or from another authoritative source per SMC 15.12.120(C), applications for building permits for floodplain
522 development shall not be granted until base flood elevation data is established.

523 G. Storage of Materials and Equipment.

524 1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due
525 to damage from flooding is prohibited in special flood hazard areas.

526 2. Storage of other material or equipment may be allowed by the floodplain administrator if, in their sole
527 determination, such material or equipment is not subject to damage by floods and is firmly anchored to prevent
528 flotation, or is readily removable from the area within the time available after flood warning.

529 H. Building Height. Within the area of special flood hazard, building height shall be measured as follows:

530 1. For buildings that are elevated as described in SMC 15.12.160(A), (B)(1), (C), or (E), height shall be
531 measured from the BFE plus any required freeboard (e.g., ~~one foot~~two feet). In case of any conflict or
532 inconsistency between this subsection and the provisions of SMC 17.10.020(GG), this subsection shall govern.

533 2. For buildings that are floodproofed as described in SMC 15.12.160(B)(2), or otherwise not elevated, height
534 shall be measured as described in SMC 17.10.020(GG). (Ord. 1237 § 1, 2020).

535 **15.12.160 Specific standards.**

536 A. Residential Construction.

537 1. In AE zones, where the BFE has been determined or can be reasonably obtained, new construction and
538 substantial improvement of any residential structure shall have the lowest floor (including basement) elevated
539 to at least ~~two feet~~~~one foot~~ above the base flood elevation. Mechanical equipment shall be elevated at least ~~one-~~
540 ~~foot~~~~two feet~~ above the BFE. Utilities shall be waterproof or elevated at least ~~one foot~~~~two feet~~ above the BFE.

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

545 a. Have a minimum of two openings having a total net area of not less than one square inch for every
546 square foot of enclosed area subject to flooding shall be provided;

547 b. The bottom of all openings shall be no higher than one foot above grade; and

548 c. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that
549 they permit the automatic entry and exit of floodwaters and do not otherwise inhibit the flow of
550 floodwaters.

551 B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or
552 other nonresidential structure shall meet the requirements of subsection (B)(1) or (B)(2) of this section:

553 1. New construction and substantial improvement of any commercial, industrial or other nonresidential
554 structure shall meet all of the following requirements:

555 a. In AE zones where the BFE has been determined or can be reasonably obtained, the lowest floor,
556 including basement, shall be elevated ~~one foot~~~~two feet~~ or more above the BFE or to the elevation required
557 by ASCE 24, whichever is greater. Mechanical equipment shall be elevated at least ~~one foot~~~~two feet~~ above
558 the BFE. Utilities shall be waterproof up to at least ~~one foot~~~~two feet~~ above the BFE, or elevated at least
559 ~~one foot~~~~two feet~~ above the BFE; and

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

564 i. Have a minimum of two openings having a total net area of not less than one square inch for every
565 square foot of enclosed area subject to flooding;

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

567 iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided,
568 that they permit the automatic entry and exit of floodwaters and do not otherwise inhibit the flow of
569 floodwaters.

570 2. If the requirements of subsection (B)(1) of this section are not met or cannot be met, then new construction
571 and substantial improvement of any commercial, industrial, or nonresidential structure shall meet all of the
572 following requirements:

573 a. Be dry floodproofed up to at least ~~one foot~~~~two feet~~ above the BFE such that the structure is watertight
574 with walls substantially impermeable to the passage of water;

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

577 c. Be certified by a registered professional engineer or architect that the design and methods of
578 construction are in accordance with accepted standards of practice for meeting the provisions of this
579 subsection based on their development and/or review of the structural design, specifications and plans, and
580 such certification is provided to the building official.

581 3. Applicants for floodproofing nonresidential buildings shall be notified that flood insurance premiums will be
582 based on rates that are ~~one foot~~two feet below the floodproofed level; for example, a building floodproofed to
583 ~~one foot~~two feet above the base flood level will be rated as at the base flood level.

584 C. Manufactured Homes.

585 1. All manufactured homes to be placed or substantially improved on sites within the area of special flood
586 hazard shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is ~~one-~~
587 ~~foot~~two feet or more above the base flood elevation, and shall be securely anchored to an adequately anchored
588 foundation system to resist flotation, collapse and lateral movement.

589 2. Mechanical equipment for manufactured homes shall be elevated at least ~~one foot~~two feet above the BFE.
590 Utilities for manufactured homes shall be waterproof up to at least ~~one foot~~two feet above the BFE, or elevated
591 at least ~~one foot~~two feet above the BFE.

592 3. For purposes of this section, “substantial damage” of a manufactured home shall mean any damage the cost
593 of which to repair or reconstruct exceeds 50 percent of the market value of the manufactured home before the
594 repair or reconstruction is started.

595 D. Recreational Vehicles. Recreational vehicles placed on site within zones A1-30, AH and AE on the FIRM shall
596 be on the site fewer than 180 consecutive days, and either:

597 1. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick
598 disconnect type utilities and security devices, and have no permanent attached additions; or

599 2. Meet the requirements of the elevation and anchoring requirements for manufactured homes in subsection C
600 of this section.

601 E. Critical Facilities. Construction of new critical facilities shall be, to the greatest extent possible, located outside of
602 the limits of the special flood hazard area (SFHA or 100-year floodplain). Construction of new critical facilities shall
603 be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the
604 SFHA shall have the lowest floor elevated to three feet or more above the base flood elevation at the site or to the
605 height of the 500-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that
606 toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level
607 of the base flood elevation shall be provided to all critical facilities to the extent possible.

608 F. Fill.

609 1. Subject to the provisions of subsection (F)(2) of this section, no fill shall be permitted except where
610 provision has been made on the subject property to balance the capacity to store floodwaters and accommodate
611 potential surface flow in an amount equal to the amount of floodwater likely to be displaced by the fill;
612 provided, provision may be made to balance the capacity to store floodwaters off the subject property, when it
613 can be demonstrated that the property upon which the balancing capacity is being created is located such that
614 no increase in the base flood discharge will result. Care shall be taken to prevent erosion and surface runoff to
615 adjacent properties. All fill shall be compacted at the time of placement.

616 2. Any person may place not more than five cubic yards of material used solely for landscape maintenance or
617 gardening at a residence or business in any one calendar year; provided, such activity requires a flood
618 improvement permit from the floodplain administrator. Such right shall not be assignable, nor shall it carry
619 over from year to year or otherwise be cumulative.

- 620 3. Fill within the floodway shall comply with the provisions of SMC 15.12.170.
- 621 G. Clearing and Grading. Clearing and grading shall be approved only when the application provides:
- 622 1. A plan and profile of the site to be cleared;
- 623 2. Identification of the flora to be protected, or removed;
- 624 3. A reclamation plan to prevent erosion; and
- 625 4. A drainage plan in accordance with Chapter 12.16 SMC, where a street project is proposed.
- 626 H. Bank Improvements. Where proposed development or improvements include modification or work along the
627 banks of the Snoqualmie River or Kimball Creek, application shall first be made to the State Department of
628 Fisheries and Game for a State Hydraulics Permit. Application for the permit required by this chapter shall not be
629 made until after the state permit is approved, and a certified copy has been provided to the city.
- 630 I. Hazardous Materials.
- 631 1. The placement, transfer or storage of chemicals, petroleum products or by-products, fertilizers, insecticides,
632 pesticides, lime, cement or other material that, when inundated, will constitute a hazard to life, health and
633 safety, or adversely affect the quality of surface waters, in quantities greater than those declared to be exempt
634 pursuant to the Uniform Building Code is prohibited within areas of special flood hazard.
- 635 2. Where a clearing and grading permit is sought in connection with any development for which a shorelines
636 substantial development permit is required, the application shall be reviewed by the city shorelines
637 administrator prior to issuance of a clearing and grading permit.
- 638 J. Enclosed Areas Below the Lowest Floor.
- 639 1. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas
640 below the lowest flood, these areas shall be used solely for parking of vehicles, building access, or storage.
- 641 2. Subgrade Crawlspace. A subgrade crawlspace may be allowed when it meets the requirements of FEMA
642 Technical Bulletin 11-01, including all of the following:
- 643 a. The interior grade of the crawl space is not more than two feet below the lowest adjacent exterior grade;
- 644 b. The height of the crawl space from the interior grade of the crawl space to the top of the crawl space
645 foundation wall does not exceed four feet;
- 646 c. There is a drainage system that removes interior floodwaters; and
- 647 d. The velocity of floodwaters at the site is not more than five feet per second.
- 648 K. Accessory Structures. For A Zones:
- 649 1. Accessory structures used solely for parking of vehicles or limited storage may be constructed such that the
650 floor is below the BFE, provided the structure is designed and constructed in accordance with the following
651 requirements:
- 652 a. Use of the accessory structure shall be limited to parking of vehicles or limited storage;
- 653 b. The portions of the accessory structure located below the BFE shall be built using flood resistant
654 materials;
- 655 c. The accessory structure shall be adequately anchored to prevent flotation, collapse, and lateral
656 movement;

657 d. Any mechanical equipment servicing the accessory structure shall be elevated at least ~~one foot~~two feet
658 above the BFE;

659 e. Any utilities servicing the accessory structure shall be waterproof up to at least ~~one foot~~two feet above
660 the BFE, or elevated at least ~~one foot~~two feet above the BFE;

661 f. The accessory structure must comply with floodway encroachment provisions in SMC 15.12.170;

662 g. The accessory structure shall be designed to allow for the automatic entry and exit of floodwaters in
663 accordance with subsection (B)(1)(b) of this section.

664 h. The structure shall have low damage potential;

665 i. If the structure is converted to another use, it shall be brought into full compliance with the standards
666 governing such use; and

667 j. The structure shall not be used for human habitation.

668 2. Detached garages, storage structures, and other accessory structures not meeting the standards in subsection
669 (K)(1) of this section shall be constructed in accordance with all applicable standards in subsection A of this
670 section.

671 3. Upon completion of the structure, certification that the requirements of this section have been satisfied shall
672 be provided to the floodplain administrator for verification. (Ord. 1237 § 1, 2020).

673 **15.12.170 Floodways.**

674 Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely
675 hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and increase erosion
676 potential, the following provisions apply in all areas designated as floodways on the FIRM:

677 A. Encroachments Prohibited. No encroachments, including fill, new construction, substantial improvements, or
678 other development shall be permitted within the floodway unless certification by a registered professional engineer
679 is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard
680 engineering practice that the proposed encroachment would not result in any increase in flood levels during the
681 occurrence of the base flood discharge.

682 B. Residential Construction Prohibited. No new construction or reconstruction of residential structures shall be
683 permitted within the floodway, except for the following:

684 1. Repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and

685 2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the
686 market value either:

687 a. Before the repair, reconstruction or improvement is commenced; or

688 b. If the structure has been damaged, and is being restored, before the damage occurred. Any project for
689 improvement of a structure to correct existing violations of state or local health, sanitary or safety code
690 specifications which have been identified by the local code enforcement official and are the minimum
691 necessary to assure safe living conditions or to structures identified as historic places shall not be included
692 in the 50 percent limitation.

693 C. If the requirements of subsection A of this section are met, all new construction and substantial improvement
694 shall comply with all other applicable flood hazard reduction standards of this chapter. (Ord. 1237 § 1, 2020).

695 **15.12.180 Zones with base flood elevations but no floodways.**

696 In areas with BFEs when a regulatory floodway has not been designated no new construction, substantial
697 improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the FIRM,

698 unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other
699 existing and anticipated development, will not increase the water surface elevation of the base flood more than one
700 foot at any point within the city. (Ord. 1237 § 1, 2020).

701 **15.12.190 Appeals.**

702 A. Appeals of Actions of the Floodplain Administrator. Any person with standing may appeal from any
703 requirements, decision, determination, or other action of the floodplain administrator when it is alleged that there is
704 an error in the administration of this chapter. All such appeals shall be made within 14 days of the issuance of the
705 permit, decision, determination, or other action of the floodplain administrator by filing a written notice of appeal
706 with the community development department. The notice shall identify the requirement, decision or determination
707 alleged to be erroneous, and shall include information required by SMC 2.14.100. Such appeal shall be heard by the
708 hearing examiner within 60 days of the date of filing of the notice of appeal. The hearing examiner's decision shall
709 be in writing and rendered per SMC 2.14.120. The decision of the hearing examiner made pursuant to this
710 subsection may be appealed to the King County superior court in accordance with the provisions of Chapter 36.70C
711 RCW.

712 B. Appeals of Variance Decisions. Any person with standing may appeal a decision of the hearing examiner made
713 pursuant to this chapter on a variance, to the city council. Appeals shall be filed within 14 days of the notice of
714 decision for the variance and shall conform to the requirements of Chapter 14.40 SMC. The decision of the city
715 council made pursuant to this subsection may be appealed to the King County superior court in accordance with the
716 provisions of Chapter 36.70C RCW. (Ord. 1237 § 1, 2020).

717

