

Dayton City Planning Commission

Regular Meeting—Agenda

Tuesday, May 26, 2020 at 6:30 PM

ZOOM! See attendance directions on next page



1. Call to Order
2. Roll Call and Establish Quorum
3. Review of Minutes
 - a. April 28, 2020
4. Communications from Citizens
5. Public Hearings
 - a. None scheduled
6. Old Business
 - a. NFIP, WA State Flood Damage Prevention Ordinance
 - i. Final review of draft revisions
7. New Business
 - a. Implementing the Comprehensive Plan
8. Adjournment

Next meeting: Tuesday, June 23, 2020 @ 6:30 PM

Dayton City Hall, 111 S. 1st St., Dayton, WA 99328 (or via ZOOM)

Meagan Bailey is inviting you to a scheduled Zoom meeting.

Topic: Regular Meeting of the Dayton Planning Commission

Time: May 26, 2020 06:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88285935335>

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Dayton City Planning Commission

Regular Meeting—Minutes

Tuesday, April 28, 2020 at 6:30 PM

ZOOM



1. Call to Order

- a. Chair Kari Dingman called to order the regular meeting of the Dayton Planning Commission at 6:30 pm.

2. Roll Call and Establish Quorum

Members present: Chair Kari Dingman, Kathryn Witherington, Alicia Walker, Byron Kaczmarek, and Russell Levens

Members absent: None

Staff present: Meagan Bailey, Director of Planning & Community Development

Public present: None

3. Review of Minutes

- a. February 25, 2020

- i. A motion was made by Witherington and seconded by Levens to approve the February 25, 2020 meeting minutes as presented; none opposed.

Minutes approved.

4. Communications from Citizens

- a. None

5. Public Hearings

- a. None scheduled

6. Old Business

- a. DMC Title 11 – Zoning Code

- i. Staff presented the final compiled revisions to the zoning ordinance. Levens posed the question on the allowance of manufactured home parks in residential areas – staff confirmed they are currently allowed with a conditional use permit.

- ii. A motion was made by Walker and seconded by Levens to table the final

draft zoning revisions due to COVID-19 and current restrictions and changes to the OPMA; none opposed. Motion carries. Staff will bring the final draft back to the commission once restrictions are lifted.

- b. NFIP, WA State Flood Damage Prevention Ordinance
 - i. Commission members shared comments and contextual and/or grammatical revisions. Staff will incorporate these revisions and present at the next regular meeting.
 - c. Six-Year Transportation Improvement Plan
 - i. The commission reviewed the final recommendations as presented. These recommendations were discussed and compiled at the February meeting.
 - ii. A motion was made by Witherington and seconded by Walker to authorize the chair to sign the letter to Council regarding the recommendations to the six-year transportation improvement plan; none opposed. Motion carries. Staff will present the letter to the City Council during the annual review of the six-year transportation improvement plan.
7. New Business
- a. 2020 Elections
 - i. 2020 elections were unable to be conducted in March due to the meeting cancelation and COVID-19.
 - ii. Chair Dingman appointed Walker to run the 2020 elections.
 - 1. Witherington nominated Dingman for chair; Levens nominated Walker for vice-chair. No other nominations were presented. Dingman and Walker accepted the nominations received.
 - 2. Walker presented the nominations and received a unanimous vote of acceptance of the nominations.
 - b. Implementing the Comprehensive Plan
 - i. No projects identified. Staff informed the commission that this is a rolling

item that will continuously appear on all future agendas.

- c. Witherington notified the commission that she would be moving to Walla Walla on June 1st. Staff will present her resignation at the next regular meeting of City Council to vacate the position.

8. Adjournment

- a. A motion was made by Witherington and seconded by Walker to adjourn the regular meeting of the Dayton Planning Commission at 7:01 pm; none opposed. The Chair adjourned the meeting.

Approved on May 26, 2020

Kari Dingman, Planning Commission Chair

Date

Attest:

Meagan Bailey, Director of Planning & Community
Development

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON AMENDING PORTIONS OF CHAPTER 17-01 AND REPEALING CHAPTER 17-02 OF THE DAYTON MUNICIPAL CODE AND ADOPTING NEW REGULATIONS PERTAINING TO FREQUENTLY FLOODED AREAS AND FLOOD DAMAGE PREVENTION

WHEREAS, XXX; and,

WHEREAS, XXX; and,

WHEREAS, XXX; and,

WHEREAS, areas of special flood hazard are identified by "The Flood Insurance Study for Columbia County"; and,

WHEREAS, XXX; and,

WHEREAS, XXX; and,

WHEREAS, these amendments will assure full compliance with the National Flood Insurance Program requirements; and,

WHEREAS, the Dayton Planning Commission held a public hearing on the proposed amendments on XXX; and,

WHEREAS, the Dayton Planning Commission recommends the proposed amendments be approved and adopted by the Dayton City Council.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON DO ORDAINS AS FOLLOWS:

Section 1: Amendments. Section 17-01.050 of the Dayton Municipal Code is hereby amended to include the revised and/or new definitions:

17-01.050. - Definitions.

"Base Flood Elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Building Code" means the current effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

"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. For the purpose of flood control in chapter 17-02 DMC, "development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment of materials located within the area of special flood hazard.

"Flood" or "flooding" means:

1. General and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
 - c. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph 1(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1(a) of this definition.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures,

and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the "regulatory floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

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

"Reasonably Safe from Flooding" means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

Section 2: Repeal. Chapter 17-02 – Frequently Flooded Areas of the Dayton Municipal Code shall be repealed in its entirety.

Section 3: Amend. Chapter 17-02 – Frequently Flooded Areas shall be adopted as follows in the Dayton Municipal Code.

Chapter 17-02 – Frequently Flooded Areas

17-02.001 – Lands to which this ordinance applies (44 CFR 59.22(a))

This ordinance shall apply to all special flood hazard areas within the boundaries of the City of Dayton, Washington.

17-02.005 – Basis for establishing the areas of special flood hazard

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Columbia County, Washington dated May 4, 1988 and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated May 4, 1988 and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at Dayton City Hall, 111 S. 1st St., Dayton, WA 99328

17-02.010 – Compliance

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

17-02.015 – Penalties for noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be subject to the enforcement provisions of Chapter 21 of the Dayton Municipal Code.

17-02.020 – 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.

17-02.025 – Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

17-02.030 – Development permit required (44 CFR 60.3(b)(1))

A development permit shall be obtained before construction or development

begins within any area of special flood hazard established in Section 17-02.005. 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."

17-02.035 – Application for development permit

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

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in 17-02.075 (B);
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- E. Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate;
- F. Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation, and
- G. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

17-02.040 – Designation of the floodplain administrator (44 CFR 59.22(b)(1))

The Director of Planning & Community Development is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

17-02.045 – Duties and responsibilities of the floodplain administrator

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

- A. Permit review: review all development permits to determine that:
 - 1. The permit requirements of this ordinance have been satisfied;
 - 2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding;
 4. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of 17-02.090 (A) are met;
 5. Notify FEMA when annexations occur in the Special Flood Hazard Area.
- B. Use of other base flood date (in A zones) (44 CFR 60.3(b)(4))
When base flood elevation data has not been provided (A zones) in accordance with 17-02.005, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer sections 17-02.075 and 17-02.090.
- C. Information to be obtained and maintained
1. Where base flood elevation data is provided through the FIS, FIRM, or required as in section 17-02.045 (B), obtain and maintain a record of 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. (44 CFR 60.3(b)(5)(i) and (iii))
 2. Obtain and maintain documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones. (44 CFR 60.3(e)(2)(i) and (ii))
 3. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in section 17-02.045 (B):
 - i. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed. (44 CFR 60.3(b)(5)(ii))
 4. Certification required by section 17-02.09 (A) (floodway encroachments). (44 CFR 60.3(d)(3))
 5. Records of all variance actions, including justification for their issuance. (44 CFR 60.6(a)(6))
 6. Improvement and damage calculations.
 7. Maintain for public inspection all records pertaining to the provisions of this ordinance. (44 CFR 60.3(b)(5)(iii))

17-02.050 – Alteration of watercourse

Whenever a watercourse is to be altered or relocated:

- A. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of

such notification to the Federal Insurance Administrator through appropriate notification means. (44 CFR 60.3(b)(6)).

- B. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. (44 CFR 60.3(b)(7)).

17-02.055 – Interpretation of FIRM boundaries

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

17-02.060 – Review of building permits (44 CFR 60.3(a)(3))

Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (section 17-02.045 (B)), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

17-02.065 - Changes to special flood hazard areas

- A. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
- B. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

17-02.070 – Provisions for flood hazard reduction

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

- A. Anchoring (44 CFR 60.3(a) and (b))
 - 1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent

flotation, collapse, or later movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. (44 CFR 60.3(a)(3)(i))

2. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (44 CFR 60.3(b)(8)). For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."

B. Construction materials and methods (44 CFR 60.3(a)(3)(ii – iv))

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.

C. Storage of materials and equipment

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

D. Utilities (44 CFR 60.3(a)(5 – 6))

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
2. Water wells shall be located on high ground that is not in the floodway (WAC 179-160-171);
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;
4. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. Subdivision proposals and development (44 CFR 60.3(a)(4) and (b)(3))

All subdivisions, as well as new development shall:

1. Be consistent with the need to minimize flood damages;
2. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. Have adequate drainage provided to reduce exposure to flood damages;
4. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 areas (whichever is less) base flood elevation data shall be included as part of the application.

17-02.075 – Specific Standards (44 CFR 60.3(c)(1))

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 17-02.005 or 17-02.045 (B). The following provisions are required:

A. Residential construction (44 CFR 60.3(c)(2)(5))

1. In AE and A1-30 zones or other A zones where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated at least one-foot above BFE.
2. New construction and substantial improvement of a residential structure in the AO zone shall meet the requirements in Section 17-02.080.
3. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
4. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:
 - i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - ii. The bottom of all openings shall be no higher than one-foot above grade.

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

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

B. Nonresidential construction (44 CFR 60.3(c)(3) and (4))

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the requirements of subsection 1 or 2 below:

- 1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - i. In AE and AL-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:
 - a. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.
 - ii. If located in an AO zone, the structure shall meet the requirements in Section 17-02.080.
 - iii. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
 - iv. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. Have a minimum of two openings with a total net

area of not less than one square inch for every square foot of enclosed area subject to flooding.

- b. The bottom of all openings shall be no higher than one-foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

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

- 2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - i. Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in section 17-02.045 (C).
 - iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 17-02.075 (A)(4).

C. Manufactured Homes (44 CFR 60.3(c)(6)(12))

- 1. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to

an adequately anchored foundation system to resist flotation, collapse and lateral movement. This applies to manufactured homes:

- i. Outside of a manufactured home park or subdivision;
 - ii. In a new manufactured home park or subdivision;
 - iii. In an expansion to an existing manufactured home park or subdivision; or
 - iv. In an existing manufactured home park or subdivision on a site which a manufactured home has incurred "substantial damage" as the result of a flood
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 anchored foundation system to resist flotation, collapse, and lateral movement.

D. Recreational Vehicles (44 CFR 60.3(c)(14))

1. Recreational vehicles placed on sites are required to either:
 - i. Be on the site for fewer than 180 consecutive days, or
 - ii. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions or,
2. Meet the requirements of section 17-02.075 (C).

E. Enclosed Area Below the Lowest Flood

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lower floor, the areas shall be used solely for the parking of vehicles, building access, or storage.

F. Appurtenant Structures (detached garages & small storage structures)

For A zones (A, AE, A1-30, AH, AO)

1. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

- i. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
 - ii. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
 - iii. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - iv. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;
 - v. The appurtenant structure must comply with floodway encroachment provisions in section 17-02.090 (A);
 - vi. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with 17-02.075 (A)(4).
 - vii. The structure shall have low damage potential;
 - viii. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and
 - ix. The structure shall not be used for human habitation.
2. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in section 17-02.075 (A).
 3. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

17-02.080 – Standards for AO Zones (44 CFR 60.3(c)7, 8, and 11)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:

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

structures within AO zones shall either:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 2. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 17-02.075 (B).
- C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- D. Recreational vehicles placed on sites within AO zones on the community's FIRM either:
1. Be on the site for fewer than 180 consecutive days, or
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 3. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2)).

17-02.085 – AE and A1-30 Zones with Base Flood Elevations but no Floodways (44 CFR 60.3(c)(10))

In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

17-02.090 – Floodways

Located within areas of special flood hazard established in section 17-02.005 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply.

A. No rise standard

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. (44 CFR 60.3(d)(3))

B. Residential construction in floodways

Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure that 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 that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

1. Replacement of farmhouses in floodway

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

- i. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
- ii. There is no potential building site of a replacement farmhouse on the same farm outside the designated floodway;
- iii. Repairs, construction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
- iv. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
- v. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within 90 days after occupancy of a new farmhouse;
- vi. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and

- farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
- vii. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
 - viii. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
 - ix. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
2. Substantially damaged residences in floodway
- i. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).
 - ii. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - a. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

- b. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- c. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- d. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
- e. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
- f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
- g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

C. All other building standards apply in the floodway

If section 17-02.090 (A) is satisfied or construction is allowed pursuant to section 17-02.090 (B), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 17-02.070, Provisions for Flood Hazard Reduction.

17-02.095 – Livestock Sanctuaries

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

17-02.100 – Variances

It is the duty of the City to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met

before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

17-02.105 – Requirements for Variances

A. Variances shall only be issued:

1. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
2. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
4. Upon a showing of good cause and sufficient cause;
5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in 17.01.050 of the Dayton Municipal Code as "Functionally Dependent Use."

B. Variances shall not be issued within the floodway if any increase in flood levels during the base flood discharge would result.

C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

17-02.110 – Variance Criteria

In considering variance applications, the City shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable;
- F. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. The safety of access to the property in time of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

17-02.115 – Additional Requirement for the Issuance of a Variance

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

17-02.120 – Variance Application and Procedure

Applications for variances related to this chapter shall be processed in accordance with section 17-01.090 – Variance procedure.

Section 3: Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any

other section, sentence, or phrase of this ordinance.

SECTION 4: Effective Date. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS _____ DAY OF _____ 2020.

City of Dayton

Zac Weatherford, Mayor

Attested/Authenticated by:

Trina Cole, City Administrator

Approved as to form:

Quinn Plant, City Attorney

**ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NUMBER XXXX**

**AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON AMENDING
PORTIONS OF CHAPTER 17-01 and CHAPTER 17-02 OF THE DAYTON MUNICIPAL
CODE.**

The full text of Ordinance XXXX, adopted the ____ day of _____, 2020, is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, 9:00 a.m. to 4:00 p.m., Monday – Friday.

By: /s/ Zac Weatherford, Mayor

Attest: /s/ Trina Cole, City Administrator

Approved as to from: /s/ Quinn Plant, City Attorney

Published: _____

The Dayton Chronicle