City of Lacey, Washington
Lacey Planning Commission Meeting Agenda

Refer to the bottom of the agenda for meeting information.

Tuesday, October 17, 2023	6:00 PM	Council Chambers and Online

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda and Consent Agenda Items:**
   A. Approval of Agenda
   B. Approval of October 3, 2023 meeting minutes
      1. October 3, 2023 Minutes
4. **Public Comment:**
   Refer to the bottom of the agenda for instructions on how to provide public comment.
5. **Commission Members' Reports:**
6. **Department Report:**
7. **Public Hearing:**
8. **New Business:**
   A. **Revisions to LMC 14.34, Flood Hazard Prevention: Samra Seymour, Senior Planner.**
   Staff will brief the Planning Commission on draft amendments to Lacey Municipal Code 14.34 Flood Hazard Prevention. The purpose of the amendments are to maintain the qualifications necessary for the National Flood Insurance Program. The amendments will be scheduled for a public hearing to be held at a future regular meeting.
   B. **Land Acknowledgment Policy: Ryan Andrews, Planning Manager.**
   Staff will brief the Planning Commission on the adopted Land Acknowledgment Policy. After the briefing, the Planning Commission is requested to provide direction on complying with the Policy.
9. **Old Business:**

10. **Communications and Announcements:**
    A. Planning Commission Schedule
11. **Next Meeting: November 7, 2023**
12. **Adjournment**

Attend Remote or In Person

The public may attend the meeting in person, or you may view or listen to the meeting using one of the following platforms:

In Person:	Council Chambers at Lacey City Hall 420 College Street SE, Lacey, WA 98503
Zoom:	https://us02web.zoom.us/j/81005028302
Website:	https://cityoflacey.org/government/public-meetings/
YouTube:	https://www.youtube.com/watch?v=qbCOzZNY62o
Phone:	(888) 788-0099 or (877) 853-5247 (Webinar ID 810 0502 8302)

MINUTES
Lacey Planning Commission Meeting
Tuesday, October 3, 2023 – 6:00 p.m.
Lacey City Hall Council Chambers, 420 College St SE – and via Zoom

Meeting was called to order at 6:00 p.m. by Dave Wasson

Planning Commission members present: Dave Wasson, Kyrian MacMichael, Daphne Retzlaff, Gail Madden, and Mark Mininger. Staff present: Ryan Andrews, Jennifer Adams and Erin Skelley

Dave noted a quorum present.

Gail Madden made a motion, seconded by Daphne Retzlaff to approve the agenda for tonight's meeting. All were in favor, the motion carried.

1) **Public Comments:** No public comments

2) **Commission Members Reports:** Mark Mininger mentioned that Thurston County seemed eager for Lacey to annex at a faster schedule. Ryan Andrews explained the challenges with annexing areas where limited revenue would not support the City services would be needed.

3) **Department Report:** Ryan Andrews updated the commissioners on the upcoming Planning Commission vacancies. Commissioner MacMichael will be serving another term, Commissioner Mininger has declined serving another term, and Commissioner Wasson's term is up. Jeff Gadman was appointed to fill the remainder of Commissioner Murcia's term. The Planning Commission will have a total of three vacancies to be filled in the new year.

   Ryan Andrews informed the commission that the City Council was going to be changing the days of their meetings from Thursdays to Tuesdays so the Planning Commission has been tasked with choosing between Mondays, Wednesdays or Thursdays.

   Ryan Andrews debriefed the commission on Joint Planning Commission meeting that occurred on September 27, 2023. Thurston County Planning Commission voted 4-2 to recommend, but due to their Parliamentary procedures, the motion must have 5 or more to move forward. Next steps will be drafting a letter stating Lacey recommends the comprehensive plan be adopted.

4) **New Business:** None

5) **Old Business: Manufactured Home Park Survey: Jennifer Adams, Housing Coordinator**
   Jennifer Adams briefed the Planning Commission on the results of a survey of manufactured home park residents in Lacey and the Lacey Urban Growth Area conducted over the summer. The survey will inform the next steps in the City's efforts towards park preservation.

6) **Communications and Announcements:** None

7) **Next Meeting:** October 17th, 2023

8) **Adjournment:** 7:45 PM

To hear the full discussion of a specific topic, or the complete meeting, watch the recorded video available on YouTube https://www.youtube.com/watch?v=wt1ySfM8EsM

PLANNING COMMISSION STAFF REPORT
October 17, 2023

SUBJECT: **LMC 14.34 Flood Hazard Prevention Amendments**

RECOMMENDATION: The Planning Commission will review the amendments to Lacey's Flood Hazard Prevention regulations, LMC 14.34. The amendments will be scheduled for a public hearing in November.

TO: Lacey Planning Commission

STAFF CONTACTS: Grant Beck, Planning and Development Services Manager
Samra Seymour, AICP, Senior Planner SLS

ATTACHMENT(S): Proposed amendments to LMC 14.34

PRIOR COUNCIL/ COMMISSION/ COMMITTEE REVIEW: None.

BACKGROUND:

Flood Hazard Areas (or Areas of special flood hazard) include land in the floodplain with a one-percent or greater chance of flooding in any given year. These areas are identified on Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMs). The City regulates development within frequently flooded areas through provisions in LMC 14.34 Flood Hazard Prevention.

The City's critical areas regulations and shoreline management regulations work together with the floodplain management regulations to require protection to critical areas, and necessary mitigation for impacts. For instance, setback or buffer requirements for shorelines, streams, and wetlands require structures to be placed outside of the floodplain. In fact, Chapter 14.34 prohibits development within the floodplain, except when maintaining an existing structure and for very limited public improvement projects where no alternatives are available. In the rare occasion that development must occur within the floodplain, the Flood Prevention regulations require that new development, including utilities and other infrastructure is flood-proofed to minimize risk to people and damage to property.

The National Flood Insurance Program (NFIP) is a federal flood insurance program that the City has participated in since July 16, 1980 by adopting minimum standards for development in floodplains. The NFIP has two main policy goals: (1) to provide access to primary flood insurance to property owners; and (2) to mitigate and reduce the nation's comprehensive

flood risk through the development and implementation of floodplain management standards. The long-term objective is to reduce federal expenditure on disaster assistance after floods by ensuring that development in floodplains is avoided or mitigated. Participation in the NFIP allows property owners to purchase federally-backed flood insurance.

The City of Lacey is fortunate that the flood hazards within the City are very limited. To date, there have been only 34 NFIP policies issued within Lacey. Further, there have been only three (3) paid claims worth $8,088 and zero substantial damage claims to date. In Lacey, flood zones are generally located around the lakes and adjacent to Woodland Creek in areas where there is limited development.

PROPOSED AMENDMENTS

In order for the City of Lacey to remain in good standing with the NFIP and to continue to be eligible for federal disaster assistance the City must adopt amendments to the Flood Hazard Prevention chapter to ensure it meets the minimum requirements of the NFIP. (Updates to the FIRMs have been adopted by reference in LMC 14.24.030.) As part of the adoption process the State Department of Ecology has reviewed LMC 14.34 and provided guidance on updates that are considered mandatory in order to stay in compliance with the NFIP.

Lacey's current standards are largely compliant and still exceed the minimum requirement of the NFIP by prohibiting new development in the area of special flood hazard (floodplain) and limiting improvements. The required amendments include ten new and six modified definitions.

New terms added to LMC 14.34	Amended terms in LMC 14.34
• Alteration of watercourse • Area of shallow flooding • Flood elevation study • Floodplain administrator • Flood proofing • Functionally dependent use • Highest adjacent grade • Historic structure • Mean sea level • Recreational vehicle	• Area of special flood hazard • Flood or flooding • Flood insurance rate map (FIRM) • Floodway • Lowest floor • New construction

The City's floodplain performance standards are intended to prevent flood damage and to prevent the actions of one property owner form increasing flood damage to their neighbors. The amendments to the performance standards aim to improve flood prevention measures, and the changes are necessary to achieve consistency with federal and state regulations. For example, amendments include requirements for manufactured home anchoring, waterproofing of mechanical equipment and utilities, and prohibition on the storage or processing of materials that could be considered injurious to human, animal or plant life if released due to flooding.

RECOMMENDATIONS

Review the draft changes to LMC 14.34 Flood Hazard Prevention, and hold a public hearing at the November 7, 2023 Planning Commission meeting. The Planning Commission may approve the proposed amendments as prepared by City and Ecology staff, modify the amendments, or recommend the amendments not be adopted. The last two options would jeopardize the City's participation in the NFIP.

Chapter 14.34
FLOOD HAZARD PREVENTION

Sections:

14.34.005 Purpose and intent
14.34.010 Definitions
14.34.020 Lands to which this chapter applies
14.34.030 Basis for establishing the areas of special flood hazard
14.34.040 Compliance required and penalties for non-compliance
14.34.050 Abrogation and greater restrictions
14.34.060 Interpretation
14.34.070 Warning and disclaimer of liability
14.34.080 Establishment of development permit
14.34.082 Prohibition on development within areas of special flood hazard
14.34.084 General requirements applicable to exemptions permitted in LMC 14.34.082
14.34.086 Administrative requirements
14.34.090 Designation of the building official
14.34.100 Duties and responsibilities of the building official
14.34.110 Variance procedures
14.34.120 General standards for flood hazard protection applicable to exemptions of LMC 14.34.082 and 14.34.084
14.34.130 Specific standards for pre-existing use exemptions
14.34.135 AE zones with base flood elevations but no floodways
14.34.140 Floodways
14.34.145 Coastal high hazard--Zone VE
14.34.150 Wetlands management
14.34.160 Severability

14.34.005 Purpose and intent.

It is the intent of this chapter to:

A. Adopt policy and regulation restricting development and recurring flood damages within designated flood hazard areas where such development would put life and property at risk because of flood hazard;

B. Identify those areas at risk for flood hazard by reference to appropriate maps and studies that represent the best scientific information available to the city of Lacey;

C. Adopt policy and regulation for Lacey's flood hazard areas that is coordinated and consistent with Lacey's sensitive area ordinances. These ordinances protect designated environmentally sensitive area resources that generally overlap with flood hazard areas;

D. Adopt policy and regulation restricting development within designated flood hazard areas that would adversely impact the function and value of critical/sensitive area resources by reducing flood water retention capacity of wetlands or impacting critical habitat, including anadromous fish;

E. Coordinate designation and use of land under requirements of the state Growth Management Act (GMA), recognizing adequate developable land resources have been identified and zoned to accommodate forecasted growth outside of designated flood hazard areas;

F. Coordinate regulation and management of flood hazard areas and other sensitive/critical areas according to the concepts under GMA, the Comprehensive Plan, and the National Flood Insurance Program;

G. Promote the natural function and values of flood hazard areas and other critical area resources that are not compatible with urbanization and need special consideration and protection;

H. Recognize there is no compelling public need to justify the adverse impacts to the public's interest that would result from development within flood hazard areas. (Ord. 1505 §28, 2017; Ord. 1375 §17, 2011).

14.34.010 Definitions.

Unless specifically defined below or in Chapter 16.06 LMC, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

A. "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

B. ~~A.~~ "Appeal" means a request for a review of the building official's interpretation of any provisions of this chapter or a request for a variance.

C. "Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

D. ~~B.~~ "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".~~Designation on maps always includes the letters A and V.~~

E. ~~C.~~ "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood." Designated on flood insurance rate maps by the letters A or V.

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

G. ~~E.~~ "Best available information" means in absence of official flood insurance rate map data, communities can use data from federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

Formatted: Indent: Left: 0", Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

H. ~~F.~~ "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, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard or removal of substantial amounts of vegetation, or alteration of the natural site characteristics.

I. ~~G.~~ "Elevation certificate" means the official form (FEMA Form 086-0-33) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

J. ~~H.~~ "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

3. 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.

K. ~~I.~~ "Flood damages" includes harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which injuriously affect the public health and the safety of property.

Formatted: Indent: Left: 0", Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

L. "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).

M. ~~J.~~ *Flood Hazard Area.* See "Area of special flood hazard."

N. ~~K.~~ "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance and Mitigation Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

O. ~~L.~~ "Flood insurance study" means the official report provided by the Federal Insurance and Mitigation Administration that includes flood profiles and the water surface elevation of the base flood.

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

Q. "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 (BFE).

R. ~~M.~~ "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 "Regulatory Floodway."

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

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

U. Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

Formatted: Font: Open Sans, 10.5 pt, Not Bold

Formatted: Font: Open Sans, 10.5 pt

Formatted: Font: (Default) Open Sans, 10.5 pt

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

~~a.~~b. Directly by the Secretary of the Interior in states without approved programs.

V. ~~N.~~ "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).

Formatted: Indent: Left: 0", Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

W. "Mean sea level" means 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.

X. ~~O.~~ "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.~~structures for which the "start of construction" commenced on or after the effective date of this chapter.~~

Formatted: Font: (Default) Open Sans, 10.5 pt

Y. ~~P.~~ "Protected area" means the lands that lie within the boundaries of the floodway, and the riparian habitat zone, and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the protected area.

Z. "Recreational vehicle" means a vehicle,

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

~~a.~~4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

AA. ~~Q.~~ "Replacement residential structure" means a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

BB. ~~R.~~ "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

CC. ~~S.~~ "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground. Manufactured homes are considered structures.

DD. ~~T.~~ "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

Formatted: Indent: Left: 0.5"

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: List Paragraph, Indent: Left: 0.25"

Formatted: Indent: Left: 0", Hanging: 0.25"

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: List Paragraph, Indent: Left: 0.31"

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: List Paragraph, Indent: Left: 0.25"

EE. ~~U.~~ "Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places; provided, that the alteration will not preclude the structure's continued designation as a historic structure.

FF. ~~V.~~ "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 1505 §29, 2017; Ord. 1398 §1, 2012; Ord. 1375 §18, 2011; Ord. 1265 §1, 2006; Ord. 861 §2 (part), 1989).

14.34.020 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Lacey. Areas of special flood hazards include zones A, AE and VE as designated on referenced flood insurance rate maps. (Ord. 1398 §2, 2012; Ord. 861 §2 (part), 1989).

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: List Paragraph, Indent: Left: 0", Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 27 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.31"

Formatted: Indent: Left: 0.5", Hanging: 0.25"

Formatted: Indent: First line: 0.31"

Formatted: Indent: Left: 0.5", Hanging: 0.25"

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: List Paragraph, Indent: Left: 0", Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 27 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Font: (Default) Open Sans

Formatted: Font: (Default) Open Sans, 10.5 pt

14.34.030 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance and Mitigation Administration in a scientific and engineering report entitled "The Flood Insurance Study for Thurston County, Washington and Incorporated Areas" dated October 16, 2012, and any revisions thereto, with accompanying flood insurance rate maps (FIRM) dated October 16, 2012, and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at the Lacey City Hall, 420 College Street S.E. The best available information for flood hazard area identification as outlined in LMC 14.34.100 shall be the basis for regulation until the new FIRM is issued that incorporates data utilized under LMC 14.34.100. (Ord. 1505 §30, 2017; Ord. 1398 §3, 2012; Ord. 1265 §2, 2006; Ord. 861 §2 (part), 1989).

14.34.040 Compliance required and penalties for non-compliance.

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

B. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 or imprisoned for not more than ninety days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case.

C. Additionally, violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil violation. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to a civil penalty in accordance with Chapter 14.40 LMC.

D. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 1505 §31, 2017; Ord. 861 §2 (part), 1989).

14.34.050 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 861 §2 (part), 1989).

14.34.060 Interpretation.

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

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 861 §2 (part), 1989).

14.34.070 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Lacey, any officer or employee thereof, or the Federal Insurance and Mitigation Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 1505 §32, 2017; Ord. 861 §2 (part), 1989).

14.34.080 Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in LMC 14.34.030. The permit shall be for all structures permitted as an exemption under LMC 14.34.082 and for all other development including fill and other activities, also as set forth in the "definitions." Application for a development permit shall be made on forms furnished by the building official 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, or 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 (FEMA Form 81-31) with Section B completed by the local official;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in LMC 14.34.130(B); and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 1398 §4, 2012; Ord. 1375 §19, 2011; Ord. 861 §2 (part), 1989).

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 indicating 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.

Formatted: Font: 10.5 pt

14.34.082 Prohibition on development within areas of special flood hazard.

Because of the potential hazard to life and property and the restrictions already in place related to sensitive areas on those lands designated as flood hazard within the city of Lacey, development as defined in LMC 14.34.010 shall be prohibited on lands designated as flood hazard areas with only a few exemptions. Exemptions are listed below and must meet requirements of LMC 14.34.084:

A. Trails and recreational improvements for public access to water bodies consistent with the City Comprehensive Plan for Outdoor Recreation and the City Shoreline Master Program, if applicable.

B. Public works projects involving the provision or transmission of a utility where no alternative routing options are reasonable.

C. Public works projects consistent with the City Transportation Plan where no alternative routing options are reasonable.

D. Maintenance activities and improvements to pre-existing structures that do not increase the footprint of the structure and comply with the requirements contained in LMC 14.34.010(U).

E. Public activities and improvements approved by the city of Lacey determined to be in the public's best interest. (Ord. 1505 §33, 2017; Ord. 1398 §5, 2012; Ord. 1375 §20, 2011).

14.34.084 General requirements applicable to exemptions permitted in LMC 14.34.082.

All exemptions to the siting prohibitions listed in LMC 14.34.082 shall meet the following requirements:

A. All applicable requirements of this chapter are satisfied.

B. It does not increase the risk of flood hazard or displace flood waters to adjacent sites.

C. The improvement has no impact to critical habitat or any impacts are fully mitigated as determined by the Washington State Department of Fish and Wildlife.

D. Any impact to riparian habitat areas is fully mitigated and all critical area buffers and standards of Chapters 14.28 (Wetlands Protection), 14.32 (Tree and Vegetation Protection and Preservation) and 14.33 LMC (Habitat Conservation Areas Protection) are satisfied. This includes a two-hundred-foot buffer along Woodland Creek which exceeds the distance of Woodland Creek's channel migration zone (CMZ).

E. Stormwater and drainage features shall incorporate LID techniques in accordance with the current City of Lacey Stormwater Design Manual.

F. Creation of new impervious surfaces shall not exceed ten percent of the surface area of the portion of the lot in the floodplain unless mitigation is provided.

G. Any loss of floodplain storage shall be avoided, rectified or compensated for. Any compensation off site must be in a priority floodplain restoration area identified in the associated ESU Recovery Plan for listed species.

H. Uses that are not permitted in the protected area because they can adversely affect water quality, habitat and other natural values and functions include:

1. Septic tanks and drainfields;
2. Dumping of any materials;
3. Hazardous or sanitary waste landfills;
4. Receiving areas for toxic or hazardous waste;
5. Other contaminants.

I. Uses shall comply with the city's tree and vegetation protection and preservation ordinance (Chapter 14.32 LMC) which prohibits the removal of vegetation within critical areas or associated buffers. Minimal unavoidable disturbances may be permitted if fully mitigated.

J. Development may not adversely impact water quality, water quantity, flood volume, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids. Any project with impacts to these elements of the environment that are not fully mitigated will be prohibited.

K. Where an area is under the jurisdiction of the Shoreline Master Program (SMP) all requirements for protection of the natural functions and values shall be satisfied. This includes prohibition on location of new development requiring armoring for protection against natural shoreline processes and flooding.

L. New road crossing over streams in the floodplain or buffers associated with wetlands within designated flood hazard areas is prohibited. (Ord. 1505 §34, 2017; Ord. 1496 §26, 2016; Ord. 1398 §6, 2012; Ord. 1375 §21, 2011).

14.34.086 Administrative requirements.

Any application or permit for exemption under the provisions of LMC 14.34.082 and 14.34.084 shall meet the following process and tracking requirements:

A. The application for a permit to develop in the affected area must include the elevations of the ten-, fifty- and one-hundred-year floods, where such data is available.

B. The applicant must record a notice of title that the property contains land within a riparian habitat area and/or area of special flood hazard, if applicable, before a permit may be issued.

C. The permit will be tracked to consider cumulative impacts to flood storage capacity and fish habitat and mitigation shall be required for all identified impacts. If the proposed project is in an area of special flood hazard and will increase the base flood elevation, a conditional letter of map revision shall be submitted on an MT-2 form by the applicant. After project completion, if the base flood elevation increases or decreases, a letter of map revisions (LOMR) shall be submitted on an MT-2 form by the applicant. (Ord. 1505 §35, 2017; Ord. 1398 §7, 2012; Ord. 1375 §22, 2011).

14.34.090 Designation of the building official.

The building official is appointed to administer and implement this chapter by granting or by denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions. (Ord. 861 §2 (part), 1989).

14.34.100 Duties and responsibilities of the building official.

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

A. *Permit Review.*

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development is located in the area of special flood hazard or floodway. If located in the area of special flood hazard or floodway, assure that permits are denied or meet exemption requirements according to the provisions of this chapter. If located in a floodway, assure that the encroachment provisions of LMC 14.34.140 are met.

4. The site is reasonably safe from flooding;

5. Notify FEMA when annexations occur in the Special Flood Hazard Area.

Formatted: Font: Open Sans, 10.5 pt

B. *Use of Other Base Flood Data.* When base flood elevation data has not been provided in accordance with LMC 14.34.030, the building official 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 LMC 14.34.130 and 14.34.140.

C. *Information to Be Obtained and Maintained.*

1. Where base flood elevation data is provided through the flood insurance study, FIRM or is required under subsection B of this section, obtain and record the actual (as-built) elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures and whether or not the structure has a basement. The information shall be recorded on a current elevation certificate with Section B completed by the local official.

2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIRM, flood insurance study, or as required in subsection B of this section:

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

b. Maintain the floodproofing certification required in LMC 14.34.130(B).

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Certification required by Section 14.34.140(A) (floodway encroachments).

5. Records of all variance actions, including justification for their issuance.

6. Improvement and damage calculations.

7. Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.

D. *Alteration of Watercourses.*

1. Except in cases where the city, state, or federal government undertakes public works projects for the benefit of the general public, alteration or relocation of any watercourses is prohibited;

2. In cases where a city, state, or federal government entity undertakes such a project all appropriate city, state, and federal permits and approvals shall be required. All identified impacts shall be fully mitigated;

3. In cases of city, state, or federal government projects the building official shall notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance and Mitigation Administration;

4. In the case of a city, state, or federal government project the building official shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished and all habitat functions maintained.

Formatted: Highlight

E. *Interpretation of FIRM Boundaries.* Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1505 §36, 2017; Ord. 1398 §8, 2012; Ord. 1375 §23, 2011; Ord. 1265 §3, 2006; Ord. 1197 §3, 2002; Ord. 861 §2 (part), 1989).

F. *Review of Building Permits.* Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by Section 14.34.100(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.

(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)

G. *Changes to Special Flood Hazard Area.* If a project will alter the Base Flood Elevation or boundaries of the Special Flood Hazard Area, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the Base Flood Elevation or boundaries of the Special Flood Hazard Area would normally require a Letter of Map Change, then the project approval shall be conditioned accordingly.

Formatted: Font: 10.5 pt

Formatted: Font: 10.5 pt, Italic

Formatted: Font: 10.5 pt

Formatted: Font: 10.5 pt

14.34.110 Variance procedures.

Variations from the terms of this chapter will be issued only in accordance with 44 Code of Federal Regulations Section 60.6 of the Rules and Regulations and the variance procedures and requirements of LMC 16.90.005 as well as the additional variance provisions:

A. Generally, the only condition under which a variance from the elevation standard may be issued is for substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

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

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

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

F. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection A of this section, and otherwise complies with LMC 14.34.120(A), (C), and (D) (general standards).

G. Any applicant to whom a variance is granted shall be given written notice that the (substantially improved structure) permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

H. The provisions of this chapter which are for the protection of the safety, health and welfare of the general public are demonstrated to not be applicable to the subject property and therefore should not be applied. (Ord. 1505 §37, 2017; Ord. 1398 §8, 2012; Ord. 1375 §24, 2011; Ord. 861 §2 (part), 1989).

14.34.120 General standards for flood hazard protection applicable to exemptions of LMC 14.34.082 and 14.34.084.

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

A. *Anchoring.*

1. All new construction permitted under LMC 14.34.082 and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

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.

B. *Construction Materials and Methods.*

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

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

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. *Utilities.*

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

2. Water wells shall be located on high ground that is not in the floodway;

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

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

D. *Subdivision Proposals.*

1. Subdivision of areas of special flood hazard for the purpose of developing residential structures is prohibited. Where special flood hazard areas are part of an ownership with an area outside of the special flood hazard area that can be subdivided, flood hazard areas shall be designated and deeded as open space. Open space areas within a flood hazard area shall be deeded to either the subdivision lot owners association, the city of Lacey, or other public entity for protection and preservation, at the sole discretion and determination of the city of Lacey.

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

3. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed outside of the area of special flood hazard.

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

5. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less). (Ord. 1505 §38, 2017; Ord. 1398 §9, 2012; Ord. 1375 §25, 2011; Ord. 1265 §4, 2006; Ord. 861 §2 (part), 1989).

E. *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 flood warning.

Formatted: Font: 10.5 pt

Formatted: Font: 10.5 pt, Italic

Formatted: Indent: Left: 0.24"

14.34.130 Specific standards for pre-existing use exemptions.

In all areas of special flood hazards where base flood elevation data has been provided or can be reasonably obtained as set forth in LMC 14.34.030 or 14.34.100(B), the following provisions are required:

A. *Residential Construction.*

1. Substantial improvement of any pre-existing residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE) and shall not be permitted in the floodway (see LMC 14.34.140(B)). Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

   a. The substantial improvement will not increase the footprint of the structure.

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

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

   c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

   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 floodwaters.

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

Formatted: Justified, Indent: Left: 0.5"

3. Substantial improvements are only allowed as permitted by listed exemptions in LMC 14.34.082. Where a pre-existing structure is involved, maintenance or improvements shall not increase the footprint of the structure (LMC 14.34.082).

4. 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.

5. New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in 14.34.135.

B. *Nonresidential Construction.*

~~1.~~ Substantial improvement of any pre-existing commercial, industrial or other nonresidential structure and new structures permitted as an exemption identified in LMC 14.34.082 and 14.34.084, shall meet the requirements of subsection 1 or 2 below.

1. Substantial improvement of any pre-existing commercial, industrial or other nonresidential structure and new structures permitted as an exemption identified in LMC 14.34.082 and 14.34.084, shall meet the requirements:

a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

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

b. If located in an 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.

c. If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Section 14.34.135.

d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall meet the requirements of section 14.34.130(A)(2).

Formatted: Indent: Left: 0.5"

2. If the requirements of subsection 1 are not met, then substantial improvement of any pre-existing commercial, industrial or other nonresidential structure shall meet all of the following requirements:

~~shall have either the lowest floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:~~

a. Be dry floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

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

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans;

d. Nonresidential structures that are elevated but not floodproofed must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section;

e. The footprint of a pre-existing structure shall not be increased (LMC 14.34.082);

f. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated at the base flood level).

Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.

Formatted: Indent: Left: 0.29"

~~2~~3. Substantial improvements are only allowed as permitted by listed exemptions in LMC 14.34.082. Where a pre-existing structure is involved, maintenance or improvements shall not increase the footprint of the structure (LMC 14.34.082).

C. *Manufactured Homes.*

1. All manufactured homes are prohibited in the area of special flood hazard.

D. *Recreational Vehicles.*

1. Be on the site for fewer than 180 days, or

2. Recreational vehicles placed on sites in areas of special flood hazard shall be fully licensed and ready for highway use, on wheels or jacking systems, attached to the site by only quick disconnect type utilities and security devices and have no permanently attached additions; or. (Ord. 1505 §39, 2017; Ord. 1398 §10, 2012; Ord. 1375 §26, 2011; Ord. 1265 §5, 2006; Ord. 861 §2 (part), 1989).

3. Meet the requirements of 14.34.130(C), above.

E. *Enclosed Area Below the Lowest Floor.* If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

F. *Detached Accessory Structures (Detached garages and small storage structures).*

1. Detached accessory 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:

a. In special flood hazard areas other than coastal high hazard areas (Zones A, AE, AH, AO, and A1-30), the structure is not larger than a one-story two-car garage;

b. In coastal high hazard areas (Zones V, VE, V1 30, and VO), the structure is not larger than 100 sq. ft. in area;

c. The portions of the structure located below the BFE must be built using flood resistant materials;

d. The structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

e. Any machinery or equipment servicing the structure must be elevated or floodproofed to or above the BFE;

Formatted: Font: 10.5 pt

Formatted: Font: 10.5 pt

Formatted: Font: 10.5 pt

Formatted: Font: Italic

Formatted: Font: Not Italic

Formatted: Font: Italic

f. The structure must comply with floodway encroachment provisions in Section 14.34.140(A);

g. The structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 14.34.130(A)(2);

h. The structure shall have low damage potential;

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

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

Formatted: Indent: Left: 0.5"

Formatted: Font: 10.5 pt

Formatted: Justified, Indent: Left: 0"

14.34.135 AE zones with base flood elevations but no floodways.

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zone AE on the community's FIRM, except as permitted by LMC 14.34.082 (exemptions). Prior to issuing a permit, it must be 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. (Ord. 1505 §40, 2017; Ord. 1398 §11, 2012; Ord. 1375 §27, 2011; Ord. 1265 §6, 2006).

14.34.140 Floodways.

Located within areas of special flood hazard established in LMC 14.34.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited; except as permitted by LMC 14.34.082 (exemptions). Prior to permitting, the proposed encroachment must be certified by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Construction, reconstruction, or substantial improvement of residential structures is prohibited within designated floodways.

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with LMC 14.34.120 and 14.34.130. (Ord. 1398 §12, 2012; Ord. 1375 §28, 2011; Ord. 1265 §7, 2006; Ord. 861 §2 (part), 1989).

D. If Section 14.34.140(A) is satisfied or construction is allowed pursuant to Section 14.34.140(B), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.34.120, General standards for flood hazard protection.

Formatted: Font: 10.5 pt

Formatted: Font: 10.5 pt

Formatted: Font: 10.5 pt

Formatted: Font: 10.5 pt

Formatted: Font: 10.5 pt

14.34.145 Coastal high hazard--Zone VE.

A. All new construction and substantial improvements shall be prohibited, with the exception of exemptions provided for under LMC 14.34.082 and 14.34.084 and Lacey's Shoreline Master Program, and must meet the following requirements:

1. All new construction and substantial improvements shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level.

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

3. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (A)(1) and (2) of this section.

4. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures and whether or not such structures contain a basement. The building official shall maintain a record of all such information.

B. All new construction permitted as an exemption in LMC 14.34.082 and 14.34.084 shall be located landward of the reach of mean high tide.

C. Provide that all new construction and substantial improvements, permitted as an exemption listed in LMC 14.34.082, have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty pounds per square foot (by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood.

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

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

D. Prohibit the use of fill for structural support of buildings.

E. Prohibit manmade alteration of sand dunes which would increase potential flood damage.

F. Manufactured homes are prohibited.

G. Recreational vehicles shall be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions. (Ord. 1505 §41, 2017; Ord. 1398 §13, 2012).

14.34.150 Wetlands management.

In order to avoid, to the maximum extent possible, the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts, the city will:

A. Review proposals for development within base floodplains for their possible impacts on wetlands located within the floodplain;

B. Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage;

C. Require compliance with the city wetland protection ordinance (Chapter 14.28 LMC), habitat conservation protection ordinance (Chapter 14.33 LMC), tree and vegetation protection ordinance (Chapter 14.32 LMC) and applicable environmental plans and regulations. (Ord. 1505 §42, 2017; Ord. 1375 §29, 2011; Ord. 861 §2 (part), 1989).

14.34.160 Severability.

If any section, clause, sentence or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this chapter. (Ord. 1398 §14, 2012).

The Lacey Municipal Code is current through Ordinance 1634, passed January 19, 2023.

Disclaimer: The city clerk's office has the official version of the Lacey Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.ci.lacey.wa.us
Code Publishing Company

CITY OF LACEY PLANNING COMMISSION
WORK SCHEDULE

Planning Commission Meeting **October 17, 2023** **Packets due: October 12**	1. **Work Session:** Flood Management Code Updates Intro Briefing (Samra) 2. **Work Session:** Land Acknowledgment Policy
Planning Commission Meeting **November 7, 2023** **Packets due: November 2**	1. **Public Hearing:** Flood Management Code Updates 2. **Work Session:** Neighborhood Commercial Code Amendments 3. **Work Session:** Capital Facilities Plan
Planning Commission Meeting **November 21, 2023** **Packets due: November 16**	1. **Public Hearing:** Capital Facilities Plan
Planning Commission Meeting **December 5, 2023** **Packets due: November 30**	1. **Public Hearing:** Neighborhood Commercial Code Amendments 2. **Work Session:** Bylaw Amendment for Meeting Dates/Time

December 19: Meeting Canceled (Tentative)