

Title 15
FLOOD HAZARD AREAS*

Chapters:

- 15.04 General Provisions**
- 15.08 Definitions**
- 15.12 Provisions for Flood Hazard Protection**
- 15.13 Provisions for Habitat Protection**
- 15.16 Department of Community Development**
- 15.20 Variances**

* **Editor's Note:** See also Chapter 14.20, Development in Mudflow-Prone and Flood-Prone Areas.

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Chapter 15.04

GENERAL PROVISIONS

Sections:

- 15.04.010 Purpose.
- 15.04.020 Methods – Provisions.
- 15.04.030 Area of application.
- 15.04.040 Special flood hazard area – Identification.
- 15.04.050 Compliance required.
- 15.04.060 Conflicting provisions.
- 15.04.070 Interpretation.
- 15.04.080 Liability disclaimer.

15.04.010 Purpose.

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

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

15.04.020 Methods – Provisions.

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

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

15.04.030 Area of application.

This title shall apply to all areas of special flood hazards within the jurisdiction of Kitsap County.

15.04.040 Special flood hazard area – Identification.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled *The Flood Insurance Study for Kitsap County and Incorporated Areas*, dated November 4, 2010, and any revisions thereto, with accompanying Flood Insurance Maps, and any revisions thereto, is adopted by reference and declared to be a part of this title. The Flood Insurance Study is on file at the Department of Community Development, 614 Division, Port Orchard, Washington 98366. The best available information for flood hazard area identification as outlined in Section 15.16.040 shall be the basis for regulation until a new Flood Insurance Rate Map (FIRM) is issued which incorporates the data utilized under said Section 15.16.040.

15.04.050 Compliance required.

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

The violation of any provision of this chapter shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued or permitted. Infractions shall be processed in accordance with the provisions of the Chapter 2.116 of this code; provided, however, that the maximum penalty and default amount for a Class I civil infraction under this chapter shall be five hundred dollars not including statutory assessments.

15.04.060 Conflicting provisions.

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

15.04.070 Interpretation.

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

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

15.04.080 Liability disclaimer.

The degree of flood protection required by this title 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 title 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. Neither this title, nor its administration, shall be construed to give rise to any liability on the part of Kitsap County, or any officer or employee thereof, for any flood damages that result from reliance on this title or any administrative decision lawfully made thereunder.

Chapter 15.08

DEFINITIONS

Sections:

- 15.08.010 Generally.
- 15.08.020 Appeal.
- 15.08.030 Area of shallow flooding.
- 15.08.040 Area of special flood hazard.
- 15.08.050 Base flood.
- 15.08.055 Basement.
- 15.08.060 Breakaway walls.
- 15.08.070 Coastal high hazard area.
- 15.08.075 Critical areas.
- 15.08.077 Critical facility.
- 15.08.078 Cumulative substantial damage.
- 15.08.080 Development.
- 15.08.085 Elevated building.
- 15.08.087 Elevation certificate.
- 15.08.090 Existing manufactured home park or subdivision.
- 15.08.100 Expansion to an existing manufactured home park or subdivision.
- 15.08.110 Flood, flooding.
- 15.08.120 Flood Insurance Rate Map (FIRM).
- 15.08.130 Flood Insurance Study.
- 15.08.140 Floodway.
- 15.08.150 Habitable floor.
- 15.08.153 Definitions – Increased cost of compliance claim.
- 15.08.155 Lowest floor.
- 15.08.160 Mean sea level.
- 15.08.170 Manufactured home.
- 15.08.180 New construction.
- 15.08.190 New manufactured home park or subdivision.
- 15.08.195 Recreational vehicle.
- 15.08.200 Start of construction.
- 15.08.210 Structure.
- 15.08.212 Subgrade crawl space.
- 15.08.215 Substantial damage.
- 15.08.220 Substantial improvement.
- 15.08.230 Variance.
- 15.08.235 Water dependent.

15.08.010 Generally.

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

15.08.020 Appeal.

“Appeal” means a request for a review of the department of community development’s interpretation of any provision of this title or a request for a variance.

Commented [A1]: Consistency Analysis, Table 2-1, Item 2007a

15.08.030 Area of shallow flooding.

“Area of shallow flooding” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

15.08.040 Area of special flood hazard.

“Area of special flood hazard” means the land in the floodplain within the county subject to a one percent or greater chance of flooding in any given year. Designations on maps always include the letters A or V.

15.08.050 Base flood.

“Base flood,” means the flood having a one percent chance of being equaled or exceeded in any given year. A base flood is also referred to as the “100-year flood.” Designations on maps always include the letters A or V.

15.08.055 Basement.

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

15.08.060 Breakaway walls.

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

15.08.070 Coastal high hazard area.

“Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a preliminary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-30, VE, or V.

15.08.075 Critical areas.

“Critical areas” means those areas identified in Title 19 as: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) geologically hazardous areas; and (e) frequently flooded areas.

15.08.077 Critical facility.

“Critical facility” is any structure or occupancy that must remain functional during and after a catastrophic event or natural occurrence and is identified as “essential facilities,” “hazardous facilities,” or “special occupancy structures” in Kitsap County Code Title 14.

15.08.078 Cumulative substantial damage.

“Cumulative substantial damage” means when a building is repetitively flooded, and has had two or more claims within a ten-year period requiring any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

15.08.080 Development.

“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.

15.08.085 Elevated building.

“Elevated building” means, for insurance purposes, a non-basement building which has its lowest floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

15.08.087 Elevation certificate.

“Elevation certificate” means the official form (FEMA Form 81-31) 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.

15.08.090 Existing manufactured home park or subdivision.

“Existing manufactured home park” means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before April 14, 1980.

15.08.100 Expansion to an existing manufactured home park or subdivision.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

15.08.110 Flood, flooding.

“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.

15.08.120 Flood Insurance Rate Map (FIRM).

“Flood Insurance Rate Map” (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

15.08.130 Flood Insurance Study.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water-surface elevation of the base flood.

15.08.140 Floodway.

“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 area that has been established in effective federal emergency management flood insurance rate maps or floodway maps. The floodway does not include lands that can be reasonably expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state or a political subdivision of the state.~~

Commented [A2]: Consistency Analysis, Table 2-1, 2007a; consistent with SMP definition.

15.08.150 Habitable floor.

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

15.08.153 Definitions – Increased cost of compliance claim.

“Increased cost of compliance claim” means a flood insurance claim payment up to \$30,000.00 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood.

Eligibility for an ICC claim can be through a single instance of “substantial damage” or as a result of “cumulative substantial damage.”

15.08.155 Lowest floor.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

15.08.160 Mean sea level.

“Mean sea level” means the average height of the sea for all stages of the tide.

15.08.170 Manufactured home.

“Manufactured home” is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act. A manufactured home includes all associated plumbing, heating, air conditioning, and electrical systems; is built on a permanent chassis; and can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet or greater. For the purposes of this title only, manufactured home shall also include mobile homes, which are factory-built dwelling units built prior to June 15, 1976 to standards other than the HUD code. Manufactured home does not include recreational vehicles or travel trailers.

15.08.180 New construction.

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

15.08.190 New manufactured home park or subdivision.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.*

15.08.195 Recreational vehicle.

“Recreational vehicle” means a vehicle built on a single chassis, measured four hundred square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

15.08.200 Start of construction.

“Start of construction” means the date that the first placement of permanent construction, reconstruction or repair occurs, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. Permanent construction is work such as the pouring of a slab or footings, the installation of piles, the construction of columns, the placement of a manufactured home, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, driveways, or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not part of the main structure. For substantial improvement, the start of construction shall be the first alteration of any wall, floor, ceiling, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

15.08.210 Structure.

“Structure” means a walled and roofed building or mobile home that is principally above ground.

15.08.212 Subgrade crawl space.

“Subgrade crawl space” means any enclosed area of a building located below the “lowest floor” where any portion of the finished ground level or under-floor grade is located lower than the outside finished grade or ground level. “Subgrade crawl space” does not include under-floor spaces where the finished ground level of the under-floor space is equal to or higher than the outside finished ground level.

15.08.215 Substantial damage.

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

15.08.220 Substantial improvement.

(a) “Substantial improvement” means any repair, reconstruction, or improvement of a structure within a ten-year period, 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.

(b) The term does not, however, include either:

- (1) Any project for improvement of a structure to correct pre-cited existing violations of 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.

15.08.230 Variance.

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

15.08.235 Water dependent.

“Water dependent” means a use or portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operation. Examples of water-dependent uses include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking marinas, aquaculture and float plane facilities.

Chapter 15.12

PROVISIONS FOR FLOOD HAZARD PROTECTION

Sections:

- 15.12.010 Development permit required.
- 15.12.020 Standards – Generally.
- 15.12.030 Structural systems.
- 15.12.040 Materials – Methods.
- 15.12.050 Utilities.
- 15.12.055 Recreational vehicles.
- 15.12.060 Subdivision proposals.
- 15.12.070 Review of building permits.
- 15.12.080 Specific standards designated.
- 15.12.090 Residential construction.
- 15.12.100 Nonresidential construction.
- 15.12.110 Manufactured homes.
- 15.12.120 Floodways.
- 15.12.130 Coastal high hazard area.
- 15.12.135 Recreational vehicles.
- 15.12.140 Critical facility.

15.12.010 Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.04.040. The permit shall be for all structures including manufactured homes, as set forth in Chapter 15.08. Application for a development permit shall be made on forms furnished by the Kitsap County Department of Community Development and may include, but not be limited to: plans in duplicate, drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.12.100; and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

15.12.020 Standards – Generally.

In all areas of special flood hazards the standards set out in Sections 15.12.030 through 15.12.070 are required.

15.12.030 Structural systems.

Structural systems of buildings or structures shall be constructed, connected and anchored to resist flotation, collapse or permanent lateral movement due to loads from flooding equal to the base flood elevation.

The structural system shall be designed in accordance with well-established engineering principles and with consideration of hydrodynamic and hydrostatic loads. The required loading shall be established by site-specific criteria or approved national standards.

15.12.040 Materials – Methods.

Construction materials and methods shall meet the following standards:

- (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) All new or replacement electrical equipment and heating, ventilating, air conditioning and other service facilities shall be placed at least one foot above the base flood elevation or protected to prevent water from entering or accumulating within the system components during floods up to the base flood elevation.

15.12.050 Utilities.

Utilities shall meet the following standards:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (2) All new and replacement water supply systems 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;
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- (5) All water supply systems and sewage disposal systems shall meet the standards contained in Chapter 13.04 of this code (Comprehensive Water and Sewer Plan); and Chapter 9.52 of this code (Bremerton-Kitsap County Health District).

15.12.055 Recreational vehicles.

Recreational vehicles placed on sites are required to either:

- (1) Be on the site for fewer than one hundred eighty consecutive days; or
- (2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- (3) Meet the requirements of Section 15.12.110 and the elevation and anchoring requirements for manufactured homes.

15.12.060 Subdivision proposals.

Subdivision proposals shall meet the following standards:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) If base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by a licensed professional engineer for subdivision proposals and other proposed development, which contain at least fifty lots or five acres (whichever is less).

15.12.070 Review of building permits.

Where elevation data is not available, either through the Flood Insurance Study FIRM or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably

safe from flooding. The test of reasonableness is a county judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher flood insurance rates.

15.12.080 Specific standards – Designated.

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Section 15.04.040 or Section 15.16.040, the provisions set forth in Sections 15.12.090 through 15.12.130 are required.

15.12.090 Residential construction.

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation.
- (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 must exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than four square feet or one square inch for every square foot of enclosed area, whichever is greater, shall be provided.
 - (b) The bottom of all openings shall not be higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (3) The finished ground level of any underfloor space shall be equal to or higher than the outside finished ground level. Subgrade crawl spaces are prohibited.

15.12.100 Nonresidential construction.

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

- (1) Be flood proofed 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; and
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section 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 subsection (2) of Section 15.16.050.

Nonresidential structures that are elevated, but not flood-proofed, must meet the standards set forth in Section 15.12.090(2) and (3) for enclosed areas below the lowest floor.

15.12.110 Manufactured homes.

- (1) All manufactured homes to be placed or substantially improved on sites:
 - (a) Outside of a manufactured home park or subdivision;
 - (b) In a new manufactured home park or subdivision;
 - (c) In an expansion to an existing manufactured home park or subdivision; or

(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated such that the lowest floor of the manufactured home is located one foot or more above the base flood elevation, and be securely anchored in accordance with Title 14 of this code and Washington Administrative Code (WAC) 296-150M-0610.

(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 shall be elevated so that either:

(a) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; or

(b) Reinforced piers support the manufactured home chassis or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and securely anchored in accordance with Title 14 of this code and Washington Administrative Code (WAC) 296-150M-0610.

(3) The finished ground level of any underfloor space below a manufactured home shall be equal to or higher than the outside finished ground level. Subgrade crawl spaces are prohibited.

15.12.120 Floodways.

Located within areas of special flood hazard established in Section 15.04.050 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:

(1) Encroachments, including fill, new construction, substantial improvements, and other development are prohibited 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 encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

(2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

(a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor areas; and

(b) Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either:

1. Before the repair or reconstruction is started; or

2. If the structure has been damaged and is being restored, before the damage occurred.

Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may not be included in the fifty percent, subject to the director's approval.

(3) All new construction and substantial improvements shall comply with all applicable provisions of this chapter.

15.12.130 Coastal high hazard area.

Coastal high hazard areas (V zones) are located within the areas of special flood hazard established in Sections 15.04.030 through 15.04.080, designated as Zones V1-30, VE or V. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, the following additional requirements apply:

(1) All new construction and substantial improvements in Zones V1-30 and VE (V, if base flood elevation data is available) on the county's FIRM shall be elevated on pilings and columns so that:

- (a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above base flood level; and
- (b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind loads and water loads from flooding equal to the base flood elevation, acting simultaneously on building components.

A registered professional engineer 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 this title.

(2) Elevation data shall be provided to the County indicating 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 in Zones V-1-30, VE, and V on the county's FIRM and whether or not such structures contain a basement. The county shall maintain a record of all such information.

(3) All new construction within Zones V1-30, VE, and V on the county's FIRM shall be located landward of the reach of mean high tide.

(4) All new construction and substantial improvements within Zones V1-30, VE, and V on the county's FIRM shall have the space below the lowest floor either free of obstruction or constructed with non-supporting 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 (either by design or when so required by local codes) may be permitted only if a registered professional engineer certifies that the designs proposed meet the following conditions:

- (a) Breakaway wall collapse will result from water load less than that which would occur during the base flood; and
- (b) The elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind loads and water loads from flooding equal to the base flood elevation, acting simultaneously on building components (structural and non-structural).

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

(5) The use of fill is prohibited for the structural support of buildings within Zones V1-30, V, and VE on the county's FIRM.

(6) Man-made alterations of sand dunes are prohibited within Zones V1-30, VE, and V on the county's FIRM, which would increase potential flood damage.

(7) All manufactured homes to be placed or substantially improved within Zones V1-30, V, and VE on the county's FIRM shall meet all of the standards of this section.

15.12.135 Recreational vehicles.

In accordance with Kitsap County Code, Title 17, recreational vehicles may not be permanently installed. Where permitted for use for temporary habitation, in accordance with Kitsap County Code Section 17.105.090 (Temporary permits) the use shall not exceed 180 consecutive days.

15.12.140 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the

SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

DRAFT
For Public Review
February 2, 2021

Chapter 15.13

PROVISIONS FOR HABITAT PROTECTION

Sections:

15.13.010 Provisions for habitat protection.

15.13.010 Provisions for habitat protection.

Before new development activities are permitted within the floodplain, compliance with FEMA National Flood Insurance Program (NFIP) protection standards for critical habitats for listed species shall be demonstrated through submittal of a habitat plan prepared by a qualified wildlife biologist. The plan shall identify any federally listed species and associated habitats, and demonstrate that no harm will occur to such species or habitats as a result of development within the floodplain.

An individual habitat report may be waived should FEMA approve an alternate process for Kitsap County to demonstrate adequate habitat protection on a programmatic level.

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Chapter 15.16

DEPARTMENT OF COMMUNITY DEVELOPMENT*

* **Editor's Note:** For additional provisions on the community development department, see Ch. 2.56 of this code.

Sections:

- 15.16.010 Administrative authority – Delegated.
- 15.16.020 Duties – Minimum.
- 15.16.030 Permit review.
- 15.16.040 Base flood data.
- 15.16.050 Recordkeeping.
- 15.16.060 Alteration of watercourses.
- 15.16.070 Interpretation of FIRM boundaries.

15.16.010 Administrative authority – Delegated.

The Kitsap County department of community development is appointed to administer and implement this title by granting or denying development permit applications in accordance with its provisions.

15.16.020 Duties – Minimum.

Duties of the Kitsap County department of community development shall include, but not be limited to those duties set forth in Sections 15.16.030 through 15.16.070.

15.16.030 Permit review.

The department of community development shall:

- (1) Review all development permits to determine that the permit requirements of this title have been satisfied;
- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of subsection (1) of Section 15.12.120 are met.

15.16.040 Base flood data.

When base flood elevation data has not been provided in accordance with Section 15.04.040, the Kitsap County Department of Community Development shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 15.12.090 through 15.12.130.

15.16.050 Recordkeeping.

The following information is to be obtained and maintained:

- (1) Obtain and record the actual 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;
- (2) For all new or substantially improved floodproofed structures:
 - (i) Verify and record the actual elevation (in relation to mean sea level), and
 - (ii) Maintain the floodproofing certifications required in subsection (3) of Section 15.12.010;
- (3) Maintain for public inspection all records pertaining to the provisions of this title;

- (4) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters.

15.16.060 Alteration of watercourses.

With regard to alteration of watercourses, the department shall:

- (1) Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

15.16.070 Interpretation of FIRM boundaries.

The department shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 15.20.

DRAFT
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February 2, 2021

Chapter 15.20

VARIANCES

Sections:

- 15.20.010 Variance procedure.
- 15.20.020 Hearing examiner.
- 15.20.030 Prerequisite conditions for variances.

15.20.010 Variance procedure.

Procedures for requesting and processing variance applications shall be as set forth in Chapter 21.04 of this code.

(Ord. 310 (2003) § 38, 2003; Ord. 80 (1980) § 4.4 (part), 1980)

15.20.020 Hearing examiner.

In considering a variance application, the hearing examiner shall consider all technical evaluations and standards specified in this title, and the following criteria:

- (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 that 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 the area;
- (I) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (J) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (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, and water systems and streets and bridges.

15.20.030 Prerequisite conditions for variances.

- (1) Generally, a variance from the elevation standard may be issued only for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing all variance criteria have been fully considered. As the lot size increases the technical justification required for issuing a variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) 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, victimize the public as identified in Section 15.20.020 or conflict with existing county laws or ordinances.
- (6) 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, or economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- (7) Variances may be issued for non-residential 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 other variance criteria except subsection (1) of this section, and otherwise complies with Sections 15.12.030, 15.12.040, and 15.12.050 of this code.
- (8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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