Ordinance No. 2867

(Amending or Repealing Ordinances)

CFN=119 – Flood Control & Watershed Control
Passed – 8/1/1989
Flood Hazard
Recorded No. 8909060554

Amended by Ord. 3746
Amended by Ord. 3880 (Sec. 14.09.070 formerly 14.22.070)
AN ORDINANCE relating to flood hazard, defining special areas of flood hazard giving authority to define the limits of the flood hazard areas, prescribing land use regulations within flood hazard areas and repeal Ordinance #2282 as amended by Ordinance #2293 and 2437.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 14.22 of the Kent City Code relating to flood hazards is amended as follows:

14.22.010. FINDINGS. The Council of the City of Kent finds that:

A. The flood hazard areas of Kent are subject to periodic inundation which endangers life and property, presents health and safety hazards, disrupts commerce and governmental services, and necessitates extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare, and

B. These flood losses are caused by the natural accumulation and pending of floodwaters and the cumulative effect of obstructions in flood hazard areas which increase flood heights and velocities. Uses inadequately floodproofed, elevated or protected from flood damage or that otherwise encroach on the natural holding capacity of the floodplain also contribute to the flood losses.
B. These flood losses are caused by the natural accumulation and ponding of floodwaters and the cumulative effect of obstructions in flood hazard areas which increase flood heights and velocities. Uses inadequately floodproofed, elevated or protected from flood damage or that otherwise encroach on the natural holding capacity of the floodplain also contribute to the flood loss.

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


B. Protect-downstream-or-surrounding-property-from-higher-velocities- or-higher-flood-levels-which-may-be-caused-by loss-of-holding-capacity-in-the-floodplain;

C. Minimize-turbidity-and-pollution-from-upstream-or surrounding-development-during-a-flood;

D. Minimize-the-expenditure-of-public-money-for remedial-flood-control-measures;

E. Minimize-the-need-for-rescue-and-relief-efforts associated-with-flooding-which-are-generally-undertaken-at-the expense-of-the-general-public;


H. Ensure-that-those-who-occupy-flood-hazard-areas assume-responsibility-for-their-actions;
A. Protect life and property by preventing the hazardous use of flood-prone lands;

B. Protect downstream or surrounding property from higher velocities or higher flood levels which may be caused by loss of holding capacity in the floodplain;

C. Minimize turbidity and pollution from upstream or surrounding development during a flood;

D. Minimize the expenditure of public money for remedial flood control measures;

E. Minimize the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public;

F. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood hazard areas;

G. Alert appraisers, assessors, owners, potential buyers, and lessees to the natural limitations of flood-prone land;

H. Ensure that those who occupy or seek to develop in flood hazard areas assume responsibility for their actions;

I. Qualify the City of Kent and existing homes and businesses for participation in the Federal Flood Insurance Program; and

J. Implement local, State and Federal flood protection programs.
14.22.030. POLICIES AND STANDARDS FOR REDUCING FLOOD LOSSES. In order to accomplish its purposes, this Chapter includes policies and standards to:

A. Restrict, condition, or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial development and construction;

C. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Control filling, grading, dredging, and other development which may increase flood damage; and,
E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

14.22.041. Appeal to request for review of any action pursuant to this Chapter or of the interpretation of any provision of this Chapter by any City official.

14.22.042. Base-flood means the flood having a one-percent-chance-of-being-equaled-or-exceeded-in-any-given-year, also referred to as the 100-year-flood.

14.22.043. Base-flood elevation means the actual elevation (in mean sea level) of the water surface of the base-flood determined by the Federal Flood Insurance Administration or any other qualified person or agency described in Section 14.22.050.

14.22.044. City means the City of Kent or the City Council of Kent.

14.22.045. 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 located within flood hazard areas.

14.22.046. Flood insurance study means the official report (Exhibit A) provided by the Federal Insurance Administration that includes flood profiles, the flood boundary and floodway map, flood insurance rate map, and the water surface elevation of the base-flood.

14.22.047. Floodplain means that portion of a river or stream channel and adjacent lands consisting of the floodway and floodway fringe which are subject to the base-flood.

14.22.048. Flood season means the period from November 1 to March 31 during which historically the frequency, distribution, and volume (inches of rainfall) of storms in the-
Green-River-Basin-have-been-the-largest-and-all-known-major
floods-have-occurred.

1422049—"Floodway"—means-the-regular-channel-plus-
that-portion-of-the-floodplain-which-has-been-defined-as
floodway-and-delimited-on-maps-by-the-Federal-Insurance-
Administration-or-by-any-qualified-person-or-agency-described-in
Section-1422050.

1422050—"Habitable-floor"—means-any-floor-usable-for-
living-purposes—which-includes-working, sleeping, eating,
cooking-or-recreation, or-a-combination-thereof.—A-floor-used-
exclusively-for-storage-purposes-is-not-a—habitable-floor.

1422051—"Mobile-home"—means-a-structure-that-is-
transportable-in-one-or-more-sections, built-on-a-permanent-
chassis, designed-to-be-used-with-or-without-a-permanent-
foundation-when-connected-to-the-required-utilities-and-intended
for-human-habitation—It-does-not-include-recreational-vehicles
or-travel-trailers.

1422052—"Director"—means-the-Director-of-the-
Department-of-Public-Works.

1422053—"Existing-mobile-home-park-or-mobile-home
subdivision"—means-a-parcel-(or-contiguous-parcels)-of-land
divided-into-two-or-more-mobile-home-lots-for-rent-or-sale-for
which-the-construction-of-facilities-for-servicing-the-lot-on
which-the-mobile-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-the-effective-date-of-the-ordinance-amended-in
this-Chapter.

1422054—"Expansion-to-an-existing-mobile-home-park-or
mobile-home-subdivision"—means-the-preparation-of-additional-
sites-by-the-construction-of-facilities-for-servicing-the-lots-
on-which-the-mobile-homes-are-to-be-affixed—including-the-
installation-of-utilities—either-final-site-grading-or-pouring-
of-concrete-pads) and-the-construction-of-streets).
14.22.055.---Flood\textsuperscript{2}-or-\textit{floodplain}-means-a-general-and-
 temporary-condition-of-partial-or-complete-inundation-of
 normally-dry-land-areas-from

A. The-overflow-of-inland-or-tidal-waters\textsuperscript{2}-and-or

B. The-unusual-and-rapid-accumulation-of-runoff-of
 surface-water-from-any-source.

14.22.056.---Flood-hazard-area\textsuperscript{2}-means-the-area-within-the
 floodplain-consisting-of-the-floodway,-floodplain-fringe-and-any-
 adjacent-land-that-has-been-included-within-the-boundary-indi-
 cated-on-the-accompanying-flood-hazard-area-maps.

14.22.057.---Flood-insurance-rate-map\textsuperscript{2}-(FIRM)-means-the
 official-map-on-which-the-Federal-Flood-Insurance-Administration
 has-delineated-both-the-flood-hazard-areas-and-the-risk-premium
 zones-applicable-to-the-community.

14.22.058.---New-construction\textsuperscript{2}-means-structures-for-which
 the\textsuperscript{2}-\textit{start-of-construction}\textsuperscript{2}-commenced-on-or-about-the-effective
 date-of-the-ordinance-codified-in-this-Chapter.

14.22.059.---New-mobile-home-park-or-mobile-home-sub-
division\textsuperscript{2}-means-a-parcel-(or-continuous-parcel)\of-land-divided
 into-two-or-more-mobile-home-lots-for-rent-or-sale-for-which-the
 construction-of-structures-for-serving-the-lot-including,-at
 a-minimum-filling,-the-installation-of-utilities,-either-final
 site-grading-or-the-pouring-of-concrete-pads,-and-the
 construction-of-streets\textsuperscript{2}is-begun-on-or-after-the-effective-date
 of-the-ordinance-codified-in-this-Chapter.

14.22.060.---\textit{Start-of-construction}\textsuperscript{2}-means-the-first-
 placement-of-permanent-construction-on-a-site.-Permanent
 construction-includes-land-preparation-such-as-clearing,-
 grading-and-filling,-the-installation-of-streets,-walkways,-and
 utilities,-excavation-for-a-basement,-footers,-pier,-or-
 foundations,-the-pouring-of-slabs-or-footings,-the-first
 permanent-framing-or-assembly-of-a-structure,-or-any-part-thereof
 on-its-piling-or-foundation-or-any-other-work-beyond-the-stage
 of-excavation.
**14:22:062**—**Structure** means a walled and roofed building or mobile home that is principally above ground.

**14:22:062**—**Substantial improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the appraised fair market value of the structure.

**A.** Before the improvement or repair is started:

1. If the structure has been damaged and is being restored, before the damage occurred; for the purposes of this definition, a 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.

2. 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 are necessary solely to assure safe living conditions.

   2. Any alteration of a structure listed on the National Register of Historic Places or a recognized state- or local-inventory of historic places.

**B.** "APPEAL" means a request for review of any final action pursuant to this Ordinance, or of the interpretation of any provision of this Ordinance by any City official.

**B.** "AREA OF SHALLOW FLOODING" means the land within the flood plain where 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.
C. "AREA OF SPECIAL FLOOD HAZARD" means the land within the flood plain which is subject to a one percent or greater chance of flooding in any given year.

D. "BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the "100-year flood".

E. "BASE FLOOD ELEVATION" means the actual elevation (in mean sea level) of the water surface of the base flood determined by the Federal Flood Insurance Administration or other qualified person or agency as described in this ordinance.

F. "CITY means the City of Kent or the City Council of Kent.

G. "CRITICAL FACILITY" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to: schools, nursing homes, hospitals, police, fire and emergency response installations; and public and private facilities which produce, use, or store hazardous materials or hazardous waste as defined by Washington State Department of Ecology.

H. "DEVELOPMENT" means any proposed or actual man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within flood hazard areas and other site preparation activities.

I. "DIRECTOR" means the Director of the Department of Public Works of the City of Kent.

J. "FLOOD" OR "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters and-or
B. The unusual and rapid accumulation of runoff of surface water from any source.

K. "FLOOD INSURANCE RATE MAP" (FIRM) means the official map on which the Federal Flood Insurance Administration has delineated both the special flood hazards areas and the risk premium zones applicable to the community.

L. "FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary and Floodway Map, Flood Insurance Rate Map, and the water surface elevation of the base flood.

M. "FLOOD PLAIN" means that portion of a river or stream channel and adjacent lands which are subject to the base flood flooding.

N. "FLOOD SEASON" means the period from November 1 to March 31 during which, historically, the frequency, distribution and volume (inches of rainfall) of storms in the Green River Basin have been the largest and all known major floods have occurred.

O. "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.

P. "FLOODWAY FRINGE" means that portion of a floodplain which is not floodway.

Q. "LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 7.2-1(A).
R. "MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

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

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

U. "SPECIAL FLOOD HAZARD AREA" means those land and water areas identified by the Federal Insurance Administration in a report entitled "The Flood Insurance Study for King County Washington and Incorporated Areas" dated September 30, 1989 with accompanying pages on file with King County or the Public Works Department of the City of Kent.

V. "START OF CONSTRUCTION" includes substantial improvement, and means the date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include submission of an application for development, land preparation, such as clearing, grading and filling; nor does it include the installation of streets and-or walkways; nor does it include excavation for a basement, footings, piers, or foundation 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.

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

X. "SUBSTANTIAL IMPROVEMENT" means any repair, remodeling, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the appraised fair 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:

a. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions; or

b. any alteration of a structure listed on the National Register of Historic Places or a recognized state or local inventory of historic places.

Section 2. Chapter 14.22 of the Kent City Code is further amended as follows:

14.22.070 AUTHORITY. The City of Kent, through the Public Works Department, shall consider and interpret information produced by the Army Corps of Engineers, Soil Conservation Service, Department of Housing and Urban Development or any other qualified person or agency to determine the location of floodplains, floodways or floodway fringes.
14.22.000 -- MAPS SHALL BE ADOPTED -- Flood-hazard-areas shall be shown and defined on City-floodway (flood-boundary and floodway-map) maps which shall become a part of this Chapter by adoption by the City Council. -- Copies of the maps shall be maintained for inspection by the public in the Public Works Department.

14.22.000 -- INFORMATION TO BE OBTAINED AND MAINTAINED -- The City will obtain from the applicant and maintain a record of the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures within a flood hazard area and whether or not the structure contains a basement. -- This information shall be maintained by the Building Department.

14.22.100 -- FLOODWAYS -- Within areas designated as floodways, the following provisions shall apply:

A. The following shall not be permitted in a known floodway:

1. Any permanent building or structure designed to be used year-round for human habitation, commerce, employment or public assembly.

2. Any structure, excavation, landfill or grading which would cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, increase the potential for turbidity or pollution, materially reduce the carrying capacity of the floodway, or raise the elevation of the one-hundred-year flood.

3. During the flood season, the construction or storage of any object or material which would be subject to flotation and movement.

B. Any development or substantial improvement which satisfies the provisions of subsection A of this Section may be permitted, when permitted in the underlying zoning classification provided that all permanent or year-round
buildings are either isolated outside the floodway or, if located in the floodway, can be flood-proofed according to the provisions of Sections 14.22.100 and 14.22.110 without any obstruction, diversion and loss of carrying capacity.

C. Dwellings and structures or buildings relating to commerce, employment or public assembly which are seasonal in nature and either mobile or readily disassembled and are removed from the floodway during the flood season may be permitted when permitted in the underlying zoning classification.

D. Except during the flood season, the storage of equipment, machinery and building materials may be permitted when permitted in the underlying zoning classification.

14.22.110 -- FLOODWAY FRINGE -- Within areas designated as floodway fringe, the following shall not be permitted:

A. Any structure, development, landfill or grading which if generally permitted would:

1. Reduce significantly the natural holding capacity or raise the elevation (greater than one foot) of the surrounding or upstream floodway or

2. Pollute or contribute materially to the turbidity of floodwater at the base flood stage.

B. Any permanent structure which is not fully protected from water damage at the base flood level or not constructed with materials and in a manner to minimize flood damage as specified in Sections 14.22.100 and 14.22.110, provided that structures, developments, grading and landfill permitted in the floodway may be permitted in the floodway fringe except that seasonal restrictions may be reduced.

14.22.120 -- GENERAL STANDARDS FOR FLOOD HAZARD PROTECTION -- In all flood hazard areas, the following general standards for flood hazard protection shall apply:

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

All new-construction and substantial improvements shall be constructed:

1. With materials and utility equipment resistant to damage by floodwaters; and

2. Using methods and practices that minimize flood damage.

Utilities shall be designed and installed under the following provisions:

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

2. 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

3. On-site waste disposal systems are prohibited.

All subdivision proposals shall:

1. Be consistent with the need to minimize flood damage;

2. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; and

3. Have adequate drainage provided to reduce exposure to flood damage.
1422130—SPECIFIC-STANDARDS-FOR-FLOOD-HAZARD-PROTECTION—In-all-areas-of-flood-hazard, the-following-specific-
standards-for-flood-hazard-protection-shall-apply:

1. New-construction-and-substantial-improvement-of-any
residential-structure-shall-have-the-lowest-floor, including
basement, elevated-to-or-above-the-base-flood-elevation.

2. New-construction-and-substantial-improvement-of-any-
commercial-industrial-or-other-nonresidential-structure-shall-
either-have-the-lowest-floor, including-basement, elevated-to-
the-level-of-the-base-flood-elevation, or, together-with-
attendant-utility-and-sanitary-facilities, shall:

1. Be-floodproofed-so-that-below-the-base-flood-
level-the-structure-is-watertight-with-walls-substantially-
impermeable-to-the-passage-of-water,

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

3. Be-certified-by-a-registered-professional
engineer-that-the-standards-of-this-subsection-are-satisfied.

6. Mobile-homes-shall-be-protected-from-flood-hazards-
under-the-following-provisions:

1. All-mobile-homes-shall-be-anchored-to-resist-
flooding, collapse, or-lateral-movement-by-providing-
over-the-top-and-frame-ties-to-ground-anchors—Specific-
requirements-shall-be-that:

a. Over-the-top-ties-be-provided-at-each-of-
the-four-corners-of-the-mobile-home, with-two-additional-ties-
per-side-at-intermediate-locations, with-mobile-homes-less-than-
fifty-feet-long-requiring-one-additional-tie-per-side;

b. Frame-ties-be-provided-at-each-corner-of-
the-home-with-five-additional-ties-per-side-at-intermediate-
points, with-mobile-homes-less-than-fifty-feet-long-requiring-
four-additional-ties-per-side.
27. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds, and

28. Any additions to the mobile home be similarly anchored.

29. For new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions, for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, and for new mobile homes not placed in a mobile home park or mobile home subdivision, require that:

a. Stands or iots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level,

b. Adequate surface drainage and access for a hauler are provided, and

c. In the instance of elevation on pilings, the pilings are large enough to permit step by step piling foundations are placed in stable soil, no more than ten feet apart, and reinforcement is provided for pilings more than six feet above the ground level.

14.22.140 -- GREEN RIVER FLOOD CONTROL ZONE NO. 2 -- All building and development within the boundaries of Green River Flood Control Zone No. 2 shall comply with all provisions of chapters 06.16 RCW and 508-60 WAC, the State Flood Control Zone Act and permit program regulations.

14.22.150 -- PERMITS AND LICENSES -- APPROVAL REQUIRED -- No permit or license for structures or the development or use of land shall be issued by the City within a flood hazard area unless approved by the Department of Public Works.
approval shall be based on a review of the provisions set forth in this Chapter and the technical findings and recommendations of City departments including, but not limited to, Building, Fire and Planning Departments—compliance with the provisions of this Chapter does not obviate the need to obtain other permits which may be required pursuant to state or federal law including approvals required from the Washington State Department of Social and Health Services and/or Ecology relating to water and sewer systems which ensure that water and sewer systems will be designed to avoid infiltration, inflow or impairment.

14.22.160—PROCEDURAL REQUIREMENTS

At City permits or licenses which relate to the development and use of land within a flood-hazard area shall be referred to the Department of Public Works by the issuing department for approval—If it can be determined from information at hand that the property does not lie in a flood hazard area, the Department may approve the permit or license directly—If it appears that the property may lie in the floodway or floodway-fringe, the Department of Public Works shall require its owner to submit information necessary to determine if in fact the property lies within the floodway or floodway-fringe—If it is determined that the property lies within the floodway or floodway-fringe, the applicant shall be required by the Department of Public Works to submit such surveys, plans and supporting documents as are necessary to determine the applicability of City regulations to the proposed structure, development or use—The Department of Public Works shall consider not only the individual structure, development or use, but shall also consider it in combination with existing and future similar structures, development and uses—Whenever technical information is furnished to the City by an applicant, the City shall consider such report in acting upon the requested permit.

B. The Director or his/her designee shall within a reasonable time indicate approval or disapproval of the requested permit or license, and if approved, the conditions of approval in a letter to the issuing department with copies to
the-applicant, commenting department, other agencies, and other known parties of interest.

G. Whenever any alteration or relocation of any water-course is proposed, the Department of Public Works shall notify adjacent communities prior to such relocation or alteration and submit such notifications to the Federal Emergency Management Agency. Within the altered or relocated portions of a water-course, adequate flood-carrying capacity shall be maintained.

14.22.170.-APPSAbS.-The decision of the Department of Public Works to approve or disapprove a permit or license in a flood-hazard area may be appealed to the Hearing Examiner. The requested permit or license shall not be issued by a City department during the appeal period. The following procedures apply to the appeal of the decision of the Department of Public Works to approve or deny proposals within a flood hazard area:

A. Written notice of appeal shall be filed with the Department of Public Works within ten (10) days from the date of the decision which aggrieves the appealing party. A fee of twenty-five dollars shall be paid at the time of filing the written appeal. The appeal will not be accepted unless accompanied by full payment.

B. All notices of appeal shall state in full the decision appealed and the reasons why the appealed decision should be reversed or modified.

C. All appeals so filed shall be heard by the Hearing Examiner and a determination by the Examiner made within thirty days from the closing date of the hearing.

D. At least seven days before the appeal hearing, the Department of Public Works will provide the Examiner, the applicant and any other person expressing written interest in the application or appeal a copy of the decision which is being appealed.
E. In passing upon such applications, the Examiner shall consider all technical evaluations, all relevant factors and standards and the criteria specified in this chapter and applicable State regulations.

F. The Hearing-Examiner shall prepare a written report and decision containing findings and conclusions which show how its decision implements the purposes of this chapter and is consistent with the criteria, standards, and limitations of this chapter.

G. The decision of the Hearing-Examiner shall be final and conclusive unless, within fourteen (14) calendar days from the date of the Hearing-Examiner's decision, an aggrieved party obtains a writ of certiorari from King County Superior Court for the purpose of review of the action taken.

14.24.010.—PENALTY.—Unless otherwise expressly stated in this Title, the following shall apply:

Any person, firm or corporation violating any provision of this code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed five hundred (500) dollars or imprisonment in the City jail for not more than one hundred eighty (180) days or both fine and imprisonment. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense and upon conviction thereof shall be punishable as herein provided.

14.24.050. LANDS TO WHICH THIS ORDINANCE APPLIES. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Kent.

14.22.060. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County, Washington and Incorporated Areas," dated September 30, 1989, with
accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance as if stated verbatim. The Flood Insurance Study is on file and available for examination at the office of the Public Works Department.

14.22.070. PENALTIES FOR NONCOMPLIANCE. No structure or land shall hereafter be developed, constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500 or imprisoned in the City jail for not more than 180 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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

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

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

14.22.110. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and
will occur on rare occasions. Flood heights may be increased by
man-made or natural causes. This ordinance does not imply that
land outside the areas of special flood hazards or uses permitted
within such areas will be free from flooding or flood damages.
This ordinance shall not create liability on the part of the City
of Kent, its elected officials or any officer or employee thereof,
or the Federal Insurance Administration, for any flood damages
that result from reliance on this ordinance or any administration
decision lawfully made hereunder.

14.22.120. GREEN RIVER FLOOD CONTROL ZONE NO. 2. All
building and development within the boundaries of the Green River
Flood Control Zone No. 2 shall comply with all provisions of
chapters 86.16 RCW and 508-60 WAC, the State Flood Control Zone
Act and permit program regulations and as may hereafter be amended.

14.22.130. PERMITS AND LICENSES - APPROVAL REQUIRED. No
permit or license for structures or the development or use of land
shall be issued by the City within a special flood hazard area
unless approved by the Director or other designate. Such approval
shall be based on a review of the provisions set forth in this
chapter and the technical findings and recommendations of City
departments including, but not limited to Building, Fire and
Planning Departments. Compliance with the provisions of this
chapter does not obviate the need to obtain other permits which
may be required pursuant to state or federal law including but not
limited to approvals required from the United States Army Corps of
Engineers and Washington State Departments of Social and Health
Services and-or Ecology relating to water and-or sewer systems
which ensure that water and sewer systems will be designed to
avoid infiltration, inflow or impairment.

14.22.140. PROCEDURAL REQUIREMENTS. City permits or
licenses which relate to the development and use of land within a
flood hazard area or special flood hazard areas shall be referred
to the Department of Public Works by the issuing department for
approval. If it can be determined from information at hand that
the property does not lie in a special flood hazard area, the
issuing department may approve the permit or license directly. If
it appears that the property may lie in a special flood hazard
area, the Department of Public Works shall require its owner to submit information necessary to determine if in fact the property lies within the floodway or floodway fringe. If it is determined that the property lies within the floodway or floodway fringe, the applicant shall be required by the Department of Public Works to submit such surveys, plans and supporting documents as are necessary to determine the applicability of City regulations to the proposed structure, development or use. The Department of Public Works shall consider not only the individual structure, development or use, but shall also consider it in combination with existing and future similar structures, developments and uses. Whenever technical information is furnished to the City by an applicant, the city shall consider such report in acting upon the requested permit. In performing such review, the Department of Public Works may request additional applicant information, including the preparation and submission of an environmental checklist under the State Environmental Policy Act or a supplement thereto if already submitted to an issuing department.

The Director or his (her) designate shall, within a reasonable time, indicate approval or disapproval of the requested permit or license; and if approved, the conditions of approval, in a letter to the issuing department, with copies to the applicant, issuing department, commenting departments, other agencies, and other known parties of interest.

14.22.150. USE OF OTHER BASE FLOOD DATA. In order to administer the provisions of this ordinance when base flood elevation data has not been provided in accordance with ordinance sections herein, the Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source determined by the Director to provide accurate and detailed flood related information. Such information shall supplement special flood hazard area information and maps and retain on file with the Public Works Department, including information under KCC 14.22.160.

14.22.160. INFORMATION TO BE OBTAINED AND MAINTAINED. The Public Works Department shall obtain and maintain the following information:
A. Where base flood elevation data is provided through the Flood Insurance Study or required as in KCC 14.22.150, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed structures:

1. verify and record the actual elevation (in relation to mean sea level), and
2. maintain the floodproofing certifications required of this ordinance.

C. Maintain for public inspection all records pertaining to the provisions of this ordinance.

14.22.170. ALTERATION OF WATERCOURSES. Whenever an alteration or relocation of any watercourse is proposed - the Department of Public Words shall:

A. Notify adjacent owners, 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.

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

14.22.180. GENERAL STANDARDS. In all areas of special flood hazards, the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" Guidebook for additional techniques).

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 flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
D. Subdivision Proposals

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. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5. Subdivision approval should depict or state what portions of the development are within special flood hazard areas.

E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed by both the issuing department and Department of Public Works to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and engineering practices and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

14.22.190. SPECIFIC STANDARDS. In all areas of special flood hazards where base flood elevation data has been provided as set forth in KCC 14.22.060 or KCC 14.22.150, the following provisions are required:
A. 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 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 areas 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.

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

1. be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting...
provisions of this subsection based on their development and-or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in KCC 14.22.160B.

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in KCC 14.22.190A.2.

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

C. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base flood plain. Construction of new critical facilities shall be permissible within the base flood plain if no feasible alternative site is available. Critical facilities constructed within the base flood plain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

D. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the Base Flood Elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of KCC 14.122.180A.2. This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or
improvement of the streets, utilities and pads equal or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

14.22.200. FLOODWAYS. Within the floodway of the areas of special flood hazard, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, reconstruction, or repair is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the 50 percent determination.

C. If KCC 14.22.200A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of KCC 14.22.180.

14.22.210. WETLANDS MANAGEMENT. To the extent possible adverse impacts to wetlands should be avoided as such:

A. Proposals for development within base flood plains shall be reviewed by both issuing departments and Public Works Department for their possible impacts on wetlands located within the flood plain.
B. Development activities in or around wetlands shall not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage.

C. Assistance from the United States Army Corps of Engineers or Department of Ecology shall be sought in identifying wetland areas.

14.22.200. STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES). Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

A. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

B. New construction and substantial improvements or nonresidential structures within AO zones shall either:

1. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

2. together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in KCC 14.22.190B.
C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

14.22.230. APPEALS. The decision of the Department of Public Works to approve condition or disapprove a permit or license in a Flood Hazard area may be appealed to the Hearing Examiner. The requested permit or license shall not be issued by a City department during the appeal period. The following procedures apply to appeals for the decision of the Department of Public Works to approve, condition or deny proposals within a Flood Hazard Area:

A. Written notice of appeal shall be filed with the Department of Public Works within ten days from the date of the decision which aggrieves the appealing party. A fee of $25.00 shall be paid at the time of filing the written appeal. The appeal will not be accepted unless accompanied by full payment.

B. All notices of appeal shall state in full the decision appealed and the reasons why the appealed decision should be reversed or modified.

C. All appeals so filed shall be heard by the Hearing Examiner and a determination by the Examiner made within thirty (30) days from the closing date of the hearing.

D. At least seven (7) days before the appeal hearing, the Department of Public Works will provide the Examiner, the appellant, and any other person expressing written interest in the application or appeal a copy of the decision which is being appealed.

E. In passing upon such applications, the Examiner shall consider all technical evaluations, all relevant factors and standards and the criteria specified in this chapter and applicable State regulations.

F. The Hearing Examiner shall prepare a written report and decision containing findings and conclusions which show how...
its decision implements the purposes of this chapter and is consistent with the criteria, standards, and limitations of this chapter.

G. The decision of the Hearing Examiner shall be final and conclusive unless, within fourteen (14) calendar days from the date of the Hearing Examiner's decision, an aggrieved party obtains a writ of certiorari from King County Superior Court for the purpose of review of the action taken.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

ATTEST:

DAN KELLEHER, MAYOR

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLE, CITY ATTORNEY

PASSED the __ day of ___, 1989.

APPROVED the __ day of ___, 1989.

PUBLISHED the __ day of ___, 1989.
I hereby certify that this is a true copy of Ordinance No. 2867, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK