

15.04.050 Compliance required.

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

15.04.090 Severability

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

15.08.015 Alteration of Watercourse.

“Alteration of watercourse” Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

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. “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

15.08.042 ASCE 24.

“ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

15.08.052 Base Flood Elevation (BFE).

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

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. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste. Even a slight chance of flooding might be too great for this designation of occupancy.

15.08.087 Elevation certificate.

“Elevation certificate” means the official current FEMA form (FEMA Form 81-34) 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.

15.08.102 Farmhouse.

“Farmhouse” means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

15.08.110 Flood, flooding.

“Flood or Flooding” means:

1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters.
- b) The unusual and rapid accumulation or runoff of surface waters from any source.
- c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

“Flood” 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.

(Ord. 80 (1980) § 2 (part), 1980)

15.08.115 Flood Elevation Study

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

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. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(Ord. 80 (1980) § 2 (part), 1980)

15.08.130 Flood Insurance Study. See Flood Elevation Study

~~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.~~

1.08.132 Floodplain or Flood Prone Area.

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

15.08.134 Floodplain Administrator

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations as identified through a Resolution by the Kitsap County Board of County Commissioners.

15.08.138 Flood Proofing.

“Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

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 a designated height. Also referred to as "Regulatory Floodway"

(Ord. 80 (1980) § 2 (part), 1980)

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, parking or access purposes is not a “habitable floor.”

15.08.152 Highest Adjacent Grade.

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

15.08.154 Historic Structure.

“Historic structure” means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

15.08.210 Structure.

“Structure” means a walled and roofed building, either site built or moved onto the property. Also included in this definition is a gas or liquid storage tank that is principally above ground, as well as a manufactured or mobile home, that is principally above ground.

15.08.220 Substantial improvement.

(a) “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

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

~~2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." "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.~~

15.12.010 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 through a permit system~~ furnished by the Kitsap County Department of Community Development and may include, but not be limited to: electronic copies of 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.

~~(5) A V-zone design certificate (where a structure is proposed in a V, V1-30, or VE zone), a V-zone design certificate;~~

~~(6) An engineering analysis indicating no rise of the Base Flood Elevation (where development is proposed in a floodway), an engineering analysis indicating no rise of the Base Flood Elevation, and;~~

~~(7) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.~~

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.

(Ord. 310 (2003) § 23, 2003: Ord. 80 (1980) § 5.1-1, 1980)

15.12.032 Anchoring Required.

(1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. (44 CFR 60.3(a)(3)(i))

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

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 conditions of flooding, floods up to the base-flood elevation.

15.12.090 Residential construction.

- (1) ~~—In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE.~~

~~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) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A.
- 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B.

(52) 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.

d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

(63) 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 except where they meet the requirements of FEMA TB 11.

(Ord. 310 (2003) § 29, 2003: Ord. 80 (1980) § 5.2-1, 1980)

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 dry 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 or dry flood proofed to the elevation required by ASCE 24, whichever is greater; 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.

15.12.137 Enclosed Area Below the Lowest Floor

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

5.7—15.12.150 Livestock Sanctuaries

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

15.12.160 AE and A1-30 Zones with Base Flood Elevations but No Floodways

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

15.12.170 Areas of Shallow Flooding

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

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - a) 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
 - b) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(3).
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO zones on the community's FIRM either:
 - a) Be on the site for fewer than 180 consecutive days, or
 - b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c) Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2)).

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.

(4) Ensure The site is reasonably safe from flooding

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

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.

(5) Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.

(6) Records of all variance actions, including justification for their issuance

7) Improvement and damage calculations.