Update to Kitsap County
Flood Hazard Area Standards
Title 15 Kitsap County Code

Staff Report to Planning Commission

February 3, 2015

Prepared By:
Kitsap County Department of Community Development
Planning and Environmental Programs Division
Introduction
The purpose of this report is to provide information to the Planning Commission regarding the proposed update to Kitsap County Code Title 15, “Flood Hazard Areas”. The proposed code update includes:

1. Minor code revisions to ensure Kitsap County meets current minimum Federal Emergency Management Agency (FEMA) standards necessary to participate in the National Flood Insurance Program (NFIP).

2. Habitat language to address existing requirements for protection of federally listed species (known as the “Puget Sound Biological Opinion”).

3. Optional advance language to address FEMA’s proposed future addition of the velocity (“V”) zone to Kitsap County’s flood hazard map designations.

Applicability
Title 15 standards apply to flood hazard areas within unincorporated Kitsap County. Flood hazard areas typically occur in low-lying areas adjacent to shorelines and large streams. Flood hazard areas are mapped by FEMA and maintained in the County’s Geographic Information System and map library. The flood hazard maps may be viewed at: http://www.kitsapgov.com/dcd/gis/Maps_Data/standard_maps/environ.htm

Background
Kitsap County’s flood hazard standards were originally adopted in 1980, and subsequently revised in 2003. The standards are contained in Title 15 KCC, and are incorporated by reference into Titles 19 (Critical Areas) and 22 (Shoreline Master Program). The Title 15 purpose statement follows:

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.

Flood hazard areas are identified by the “base flood” elevation, meaning a one percent chance of the identified flood elevation being equaled or exceeded in any given year. A base flood event is also referred to as the “100-year flood.”

In order to mitigate the effects of flooding on its citizens, Kitsap County participates in FEMA’s NFIP. In order to stay current under the NFIP, County flood standards and practices are periodically reviewed for compliance with current minimum FEMA standards.

In order to ensure standards are enacted at the local jurisdiction level, FEMA contracts with the Washington Department of Ecology (Ecology) to assist jurisdictions via the Community Assistance Visit (CAV) program.

Ecology’s most recent CAV occurred in December 2012, with the subsequent summary report issued in May 2013. The following report excerpt provides historical context regarding flood mapping and insurance in Kitsap County.

**Important Dates and Facts:**

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entered Emergency Program</td>
<td>February 19, 1975</td>
</tr>
<tr>
<td>Converted to Regular Program</td>
<td>May 15, 1980</td>
</tr>
<tr>
<td>Initial Flood Hazard Boundary Map</td>
<td>February 14, 1975</td>
</tr>
<tr>
<td>Initial Flood Insurance Rate Map</td>
<td>May 15, 1980</td>
</tr>
<tr>
<td>Flood Insurance Study (FIS)</td>
<td>November 4, 2010</td>
</tr>
<tr>
<td>Flood Insurance Rate map (FIRM)</td>
<td>November 4, 2010</td>
</tr>
<tr>
<td>CRS</td>
<td>No</td>
</tr>
<tr>
<td>NFIP Insurance Policies</td>
<td>626</td>
</tr>
</tbody>
</table>
Insurance in Force $167,681,800
Total flood Claims 53
Total Losses Paid $1,558,454.34
Variance None
Prior CAV September 29, 2010

Staff note: FEMA implemented a Community Rating System (CRS) in 1990 as a voluntary program to recognize and encourage floodplain management activities that exceed minimum NFIP standards. Participation in the CRS results in discounted flood premiums for individuals in the County (up to 40%, depending on the County’s rating). Kitsap County intends to submit an application for participation in the voluntary CRS program, both to insure increased consistency with adopted goals and policies and to reduce rates for policy holders. Participation may result in future revisions to Title 15, if necessary.

Agency Recommendations

Ecology’s conclusions from the 2013 CAV report are cited below:

Conclusions

Kitsap County has steadily strengthened the implementation of its flood insurance program during the past decade. However, there is a need for consistent implementation of NFIP rules. This CAV identified a need to thoroughly check flood vent requirements on every building permit in the Special Flood Hazard Area.

Kitsap County must also implement the NFIP Puget Sound Biological Opinion for every flood permit. Kitsap County will benefit from training for its floodplain management staff and building inspection staff. A Community Assistance Visit is recommended in 5 years.

This section describes how each recommendation in the revisions table below relates to a specific agency recommendation or requirement.

Items 1-7:
As stated above, the Washington Department of Ecology conducts CAVs to assist local jurisdictions with their flood regulations. Items 1-7 respond to Ecology requested revisions resulting from the CAV process.

Item 8:
The proposed habitat language addresses an existing FEMA requirement that went into effect in September 2010. In response to a lawsuit, FEMA is required to demonstrate that floodplain standards account for effects on “listed” critical species and habitats. The resulting order is referred to as the Puget Sound Biological Opinion.
To implement the Biological Opinion, FEMA provided local jurisdictions with three options, or “doors”, to demonstrate compliance. Kitsap County selected “Door 3”, which requires a habitat report on a project-by-project basis for development within floodplains. The proposed language formalizes this existing requirement in Title 15.

Note: The County may pursue “Door 2” in the future, which allows jurisdictions to demonstrate how impacts to listed species are being mitigated on a broader, programmatic basis (for example, via existing critical area and shoreline protection standards).

Item 9 (optional – see attachment to staff report):
Appendix B of the attachment titled Flood Ordinance Checklist Kitsap County (document title: “Washington State Model Ordinance Evaluation Sheet”) provides optional advance language in response to the proposed addition of coastal velocity (“V”) zones to the Kitsap County flood hazard maps. The proposed map change is based on a recent study of low-lying shorelines subject to high wave velocities, such as Point No Point, Hansville.

The following excerpt from Ecology’s 2013 CAV report provides further detail:

**Redevelopment in Future Velocity Zones**

It is expected that future FIRMS for coastal areas in Kitsap County will include velocity (V) zones. Development standards in V zones are notably different than development standards for A or AE zones. A partial listing of the V zone standards include requirements for construction on piles or with break-away walls, an structural engineering analysis for the buildings, restrictions on fill and ground disturbance, and a restriction on over-water development. It will be very important to be aware of when redevelopment becomes substantial improvement in V zones.

FEMA is currently conducting public outreach on the proposed V zone addition to flood maps, and anticipates an effective date of January 2016.

**State Environmental Policy Act (SEPA) Evaluation**

It is anticipated that a SEPA determination of non-significance will be issued for the draft revisions; however, a final determination will be made based on the Planning Commission recommended version of the code update.

**Consistency with Adopted County Plans and Regulations**

Kitsap County Comprehensive Plan Section 4.2.4 is titled “Frequently Flooded Areas”, and contains two goals and seven policies to reduce risk and address
water quality within the 100-year floodplain. The proposed code revisions are consistent with Section 4.2.4, and help to further implement Goal 6:

**Goal 6:** *Reduce the risk of damage to life, property, and the natural environment from flooding through appropriate regulatory means. Prevent development on floodplains that might have the potential to damage property or increase height, flow or velocity of floodwater.*

While individual revisions listed in the table below are relatively minor, taken as a whole they result in greater compliance with FEMA standards intended to further reduce the risk of damage to life, property and the natural environment. Please refer to the revisions table below for specific details.

**Proposed Code Revisions**

The table below contains the proposed revisions to Title 15 KCC. The table is followed by an additional optional item for consideration (see attachment to staff report, Appendix B).

<table>
<thead>
<tr>
<th>Ref #</th>
<th>Issue/Code</th>
<th>Change /comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15.04.040</td>
<td>The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled <em>The Flood Insurance Study for Kitsap County and Incorporated Areas</em>, dated November 29, 1978 November 4, 2010, as amended, with accompanying Flood Insurance Maps, 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 of this code 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.</td>
</tr>
<tr>
<td>Page</td>
<td>Section</td>
<td>Definition</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| 2 | 15.08.078 | New definition:  
“Cumulative substantial damage” means when a building is repetitively flooded, and has had two or more claims within a 10-year period requiring any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 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. 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. |
| 3 | 15.08.087 | New definition:  
“Elevation certificate” means the official form (FEMA Form 81-31) uses 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. |
| 4 | 15.08.153 | New definition:  
“Increased cost of compliance claim” means a flood insurance claim payment up to $30,000 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 a “cumulative substantial damage.” |
| 5 | 15.08.195 | Revise definition completely:  
“Recreational Vehicle” means a vehicle built on a single chassis, measured 400 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. |
<table>
<thead>
<tr>
<th></th>
<th>15.08.220</th>
<th>Revise definition partially:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>“Substantial improvement” means any repair, reconstruction or improvement of a structure within a 10-year period, the cost of which equals or exceeds 50 percent of the market value of the structure either:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) Before the improvement or repair is started; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) 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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The term does not, however, include either:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; 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</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.</td>
</tr>
</tbody>
</table>
Recreational vehicles placed on sites are required to either:

(i) Be on the site for fewer than 180 consecutive days, (or)

(ii) Be fully licensed and ready for highway use, on 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

(iii) Meet the requirements of KCC 15.12.110 below and the elevation and anchoring requirements for manufactured homes.

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.

See pdf attachment to staff report titled “Flood Ordinance Checklist Kitsap County”. V zone construction standards are contained within Appendix B, pp. 10-11.

Conclusions:

The purpose of Title 15 KCC is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas.

Kitsap County participates in FEMA’s NFIP, and therefore must implement minimum FEMA standards through its local development regulations. The proposed Title 15 code revisions are necessary in order to comply with FEMA standards and ensure further consistency with County goals for protection of life, property and the natural environment.

The proposed revisions are in accordance with Washington Department of Ecology directives resulting from the 2012 CAV process. Ecology is responsible for assisting local jurisdictions with implementation under the NFIP.
Optional item 9 includes proposed construction standards in anticipation of FEMA’s proposed addition of the V zone to Kitsap County flood maps, which will go into effect January 2016 or later. While not in effect at this time, inclusion of FEMA’s model flood ordinance language at this time would prevent the necessity to add the V zone standards at a later date.

**Recommendation:**

Staff recommends that the Planning Commission undertake work study, hold public hearings and make findings and conclusions to staff with regard to the proposed Title 15 revisions, together with such comments and recommendations as the Planning Commission deems necessary.

Attachment