

Spokane Plan Commission Agenda

Wednesday, September 08, 2021 2:00 PM Virtual Teleconference 808 W Spokane Falls Blvd, Spokane, WA 99201

Virtual Meeting - See Below For Information				
TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE				
	Public Comment Period:			
3 minutes each	Citizens are invited to address the Plan Commission on any topic not c	on the agenda.		
	Commission Briefing Session:			
2:00 – 2:30	 Approve 8/11/2021 meeting minutes City Council Report Community Assembly Liaison Report President Report Transportation Sub-Committee Report Secretary Report 	All CM Lori Kinnear Mary Winkes Todd Beyreuther Clifford Winger Louis Meuler		
	Commission Business:			
	Appointment of CTAB member from the PCTS members	hip		
	Workshops:			
2:30 - 3:00	1. WSDOT – West Plains Subarea Transportation Management Plan, Phase 1, US 2 Vicinity Study	Bonnie Gow & Greg Figg		
3:30 - 3:40	2. Floodplain Development Code Update – SMC 17E.030	Amanda Beck		
3:40 – 3:50	3. Stormwater code revisions (mandated) -SMC 17D.060	Trey George		
3:50 - 4:20	4. <u>Sustainability Action Plan</u> – link to Sustainability Action Subcommittee webpage	Kara Odegard		
4:20 - 4:30	5. Comprehensive Plan Amendment Ideas	Todd Beyreuther, Cliff Winger, & Jesse Bank		
Adjournment: The next PC meeting will be held on Wednesday, September 22, 2021				

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or <u>msteinolfson@spokanecity.org</u>. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

	Plan Commission Meeting Information Wednesday, September 08, 2021				
	with public health measures and Governor Inslee's <i>Stay Home, Stay Safe</i> order, ion meeting will be held on-line.				
Members of the gene	eral public are encouraged to join the on-line meeting using the following information:				
	Join Webex Meeting Online: JOIN MEETING				
	Tap to join from a mobile device (attendees only):				
	+1-408-418-9388,,1462059622##				
Meeting Password:	Join by phone: +1-408-418-9388 United States Toll				
PlanCommission	Global call-in numbers:				
Meeting Number (access code):	https://spokanecity.webex.com/spokanecity/globalcallin.php?MTID=m514c2d4fc1d4af7 8645594 43420dee7b				
146 205 9622	Join from a video system or application: Dial sip:1462059622@spokanecity.webex.com				
	You can also dial 173.243.2.68 and enter your meeting number.				
	Join using Microsoft Lync or Microsoft Skype for Business Dial:				
	sip:1462059622.spokanecity@lync.webex.com				
The audio proce available upon re	edings of the Plan Commission meetings will be recorded, with digital copies made equest.				

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Spokane Plan Commission - Draft Minutes

August 11, 2021 Webex Teleconference Meeting Minutes: Meeting called to order at 2:00 PM by Todd Beyreuther

Attendance:

- Board Members Present: Todd Beyreuther (President), Greg Francis (Vice President), Michael Baker, Jesse Bank, Sylvia St. Clair, Carole Shook, Tim Williams, Clifford Winger,
- Board Members Not Present: Jo Anne Wright
- Non-Voting Members Present: Mary Winkes (Community Assembly Liaison),
- Not Present: Lori Kinnear (City Council Liaison)
- Quorum Present: yes
- Staff Members Present: Tirrell Black, Jackie Churchill, Kevin Freibott, Tate Andrie, James Richman, Colin Quinn-Hurst, Melissa Morrison

<u>Public Comment:</u> Citizens are invited to address the Plan Commission on any topic not on the agenda. 3 Minutes each. NONE

Briefing Session:

- 1. City Council Liaison Report Lori Kinnear
 - None
- 2. Community Assembly Liaison Report Mary Winkes
 - Ms. Winkes reported that Community Assembly met with City Council and spoke about the legality of adding a last minute amendment to the resolution for the Housing Action Plan.
- 3. Commission President Report Todd Beyreuther
 - Mr. Beyreuther reported that he has been holding informal work sessions in the mornings and has been joined by Commissioners Jesse Bank and Clifford Winger.
- 4. Transportation Subcommittee Report Clifford Winger
 - Mr. Winger reported that the Plan Commission Transportation Subcommittee didn't meet in August.
- 5. Secretary Report Tirrell Black for Louis Meuler
 - Tirrell Black reported that the 1st review of Planning Director applicants is in progress.
 - Ms. Black also reported the August 25th Plan Commission meeting is cancelled for summer break. Plan Commission will meet again on September 8th and it is anticipated that Plan Commission meetings will remain virtual for the time being. The City is working on developing a hybrid meeting option for public meetings.
 - The Clerk's Office has just released the final Housing Action Plan Resolution which includes the Council Implementation Plan. The Implementation Plan has been added to the Housing Action Plan as Appendix A.
 - In addition, the Mayor issued an emergency proclamation around housing and listed items that she would like to see move forward. Some items do not require legislative action to move forward.
 - The Planning Department is continuing work on Transit Oriented Development. More about Transit Oriented Development can be learned on the City webpage.

Workshop(s):

- 1. Comprehensive Plan Amendments Workshops Wrap-Up
 - Presentation provided by Kevin Freibott

- Questions asked and answered
- Discussion ensued

Greg Francis motioned to expand Z20-206COMP to include areas 2 and 3 in addition to the original area and to change the underlying density to R15+ and the zoning to RHD. Seconded by Clifford Winger. Voice vote, passed. (Commissioner Shook emailed in "nay").

Spokane Regional Transportation Council (SRTC) Metropolitan Transportation Plan Update

- Presentation provided by Kylee Jones and Mike Ulrich
- Questions asked and answered
- Discussion ensued

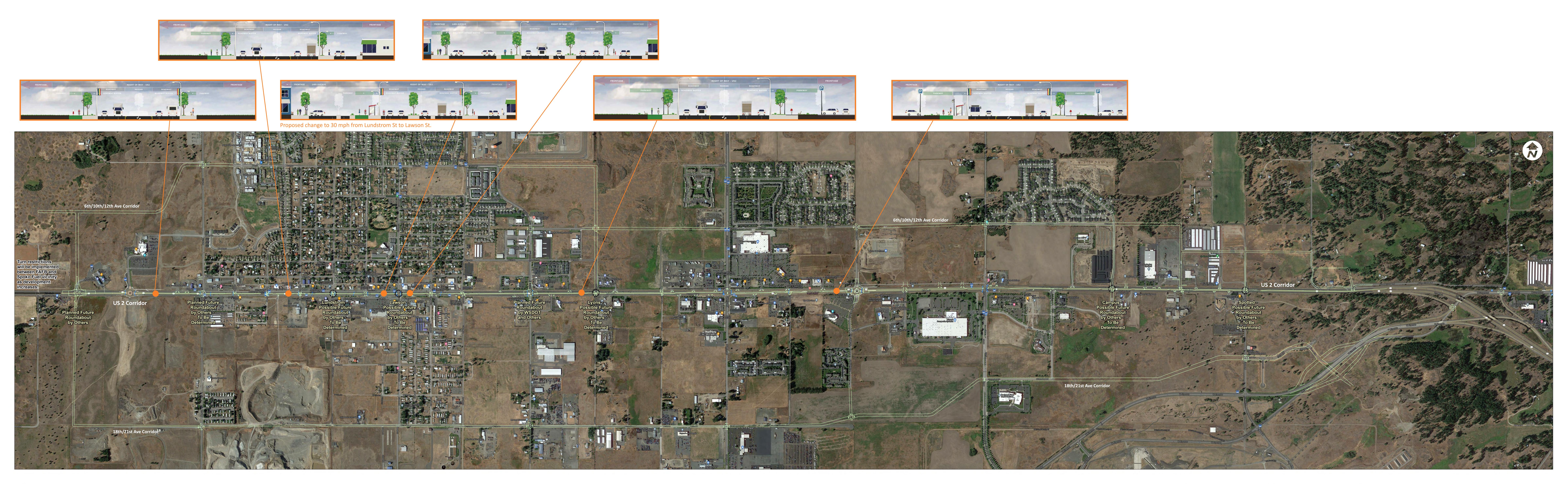
Meeting Adjourned at 3:30 PM

Next Plan Commission Meeting scheduled for Wednesday, September 8, 2021

DRAFT West Plains Traffic Circulation Plan — Preliminary Subject to Revision

NOTES:

- Conceptual drawings only.
- * Depending on area and speed limit, roadway cross-sections may be different.
- * Actual intersection control measures will be further evaluated for final control types at time of the design.
- * All intersection treatments, including roundabouts, will require evaluation and WSDOT approval prior to implementation.
- * Median Cross-Section Graphics Source: City of Airway Heights Transportation Subarea Plan (Downtown Revitalization Plan)





8/19/2021

**Planned Improvements from the Traffic Circulation Plan In & Around US 2 Vicinity	Planned Improvement - Unfunded	Potential Funds Diversion
1. Mitchell St/US 2 Signal	x	WSDOT P-3 Funds
2. Spoko Fuel Entrance/US 2 - Roundabout	Х	N/A
3. Craig Rd/US 2 - Roundabout	Х	N/A
4. Loeffler St/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)	x	N/A
5. West St/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)	x	N/A
6. Ziegler St/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)	x	N/A
7. Lundstrom St/US 2 - Roundabout	Х	N/A
8. King St/US 2 - Right In/Right Out Turn Restrictions (Note: NO Lefts allowed off US 2 at this intersection per CoAWH) Corrected 8-16-21	x	N/A
10. Lawson St/US 2 - Roundabout	x	WSDOT P-3 Funds
11. Campbell St/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)	x	N/A
12. Russell St/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)	x	N/A
13. Garfield Rd/US 2 - Roundabout		WSDOT P-3 Funds
14. Lyons Rd/US 2 - Roundabout	Х	N/A
15. Hayden Rd/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)	x	N/A
16. Hazelwood Rd/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)	x	N/A
17. Lucas Rd/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)	x	N/A
18. Technology Blvd/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)	x	N/A

O:\469301\US 2\US 2 Airway Heights Corridor Study June 2018\Practical Solutions Lab\1H_Practical Solutions Strategies\FINAL STRATEGIES Amended after TAT meeting\Final Draft Project Strategy List from WPSA Study 8-16-21 Amended after TAT Page 6 of 101 PC Agenda Packet meeting8/25/2021

19. Campus Dr/US 2 - Roundabout		
		N/A
	Х	
20. New Road City of Spokane/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2 - EB only)		
		N/A
	Х	
21. Spotted Rd/US 2 - Roundabout	Х	N/A
22. Close Sunset Frontage Rd connection to US 2 (Russell Rd will be joined into Sunset Frontage Rd without access to US2 at this location)	х	N/A
23. Sunset Frontage Rd/Grove Rd/Airport Dr Intersection - Roundabout	Х	N/A
24. US 2 Eastbound off ramp onto Airport Drive - Roundabout		
		N/A
	Х	

NOTES: ALL US 2 Approaches/Driveways - Right In/Right Out Turn Restrictions *Future Left Turns off US 2 to be determined only at certain locations

Right turn restrictions along the US 2 corridor, will be enforced between Rambo Rd and the Sunset Highway connection, determined through the study efforts.

** Also SEE Tab "ListbyPercentage Effectiveness", Question 61, List of Effectiveness #60, for more information

Costs are planning level rough estimates and are subject to change

ALL intersection designs will require a traffic study for approval. ***Amended after the Technical Advisory Team Meeting on 7/21/21

NOTE: ALL emerging strategies have to be evaluated for prioritization within respective jurisdictions including WSDOT prioritization to compete for State, Regional and Local Funding

**Planned Improvements from the Traffic Circulation Plan In & Around US 2 Vicinity	Funded	Planned Improvement - Unfunded
1. Mitchell St/US 2 Signal		Х
2. Spoko Fuel Entrance/US 2 - Roundabout	Х	
3. Craig Rd/US 2 - Roundabout	Х	
4. Loeffler St/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)		Х
5. West St/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)		Х
6. Ziegler St/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)		Х
7. Lundstrom St/US 2 - Roundabout		Х
8. King St/US 2 - Right In/Right Out Turn Restrictions (Note: NO Lefts allowed off US 2 at this intersection per CoAWH) Corrected 8-16-21		Х
10. Lawson St/US 2 - Roundabout		Х
11. Campbell St/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)		Х
12. Russell St/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)		Х
13. Garfield Rd/US 2 - Roundabout		
14. Lyons Rd/US 2 - Roundabout		Х
15. Hayden Rd/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)		Х
16. Hazelwood Rd/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)		Х
17. Lucas Rd/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)		Х
18. Technology Blvd/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2)		Х
19. Campus Dr/US 2 - Roundabout		Х
20. New Road City of Spokane/US 2 - Right In/Right Out Turn Restrictions (Lefts allowed off US 2 - EB only)		Х
21. Spotted Rd/US 2 - Roundabout		Х
22. Close Sunset Frontage Rd connection to US 2 (Russell Rd will be joined into Sunset Frontage Rd without access to US2 at this location)		Х
23. Sunset Frontage Rd/Grove Rd/Airport Dr Intersection - Roundabout		Х
24. US 2 Eastbound off ramp onto Airport Drive - Roundabout		Х

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MEMO

Re:	September 8, 2021 Floodplain Text Amendment Workshop
From:	Amanda Beck, Assistant Planner II Department of Neighborhood and Planning Services
То:	City of Spokane Plan Commission
Date:	September 1, 2021

President Beyreuther and Plan Commissioners,

At the September 8th Plan Commission workshop, we will be discussing the proposed draft text for the state mandated update to the City's floodplain management regulations. The 14-day SEPA comment period for this amendment began on **September 2nd** and runs through **September 16th**, after which time the text amendment will come before the Plan Commission for public hearing on September 22nd.

Prior to the workshop, you can familiarize yourself with Ecology's state model ordinance and a synopsis of the changes on the project website at the following web address:

https://my.spokanecity.org/projects/2021-floodplain-management-update/

Reading through the attached Ecology Washington Model Ordinance Checklist provides guidance on what changes were required due to federal or state changes and which section of the Spokane Municipal Code each requirement is housed within. During the workshop, staff will highlight details of the proposed text amendment and answer any questions the Commission may have.

Sincerely,

Amanda Beek

Amanda Beck, AICP, Assistant Planner II 509-625-6414 <u>abeck@spokanecity.org</u>

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WA State Model Ordinance

2/24/2021 Version

Evaluation Sheet

Locality:	Reviewer:	
Ordinance No.:	Review Date:	
Ordinance Date:	Reason for Review:	
Flood Zones:	□AO (Appx. A) □V (Appx	B) UVE/V1-30 (Appx. B)
Puget Sound BiOp Door 3 □Yes □No		
CRS Level:		

Criteria & Model Ordinance Reference	Comments and References	
Section 1.0 - Statutory Authorization, Findings of Fact, Purpose, and Objectives	(Not mandatory to adopt section 1.0)	
1.1 Statutory Authorization The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.	This language is included in the approving ordinance adopted by the Spokane City Council.	
Therefore, the {Decision Making Body} of {Community Name} , does ordain as follows:		
1.2 Findings of Fact The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.	This language is included in the approving ordinance adopted by the Spokane City Council, and also SMC 17E.030.020.	
These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadvertently anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.		

4.0		
	the purpose of this ordinance to promote the public	Mirrored language is included in SMC 17E.030.030, only lacking item #9.
of f due	alth, safety, and general welfare; reduce the annual cost lood insurance; and minimize public and private losses e to flood conditions in specific areas by provisions signed to:	
1)	Protect human life and health;	
2)	Minimize expenditure of public money for costly flood control projects;	
3)	Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;	
4)	Minimize prolonged business interruptions;	
5)	Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;	
6)	Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;	
7)	Notify potential buyers that the property is in a Special Flood Hazard Area;	
8)	Notify those who occupy flood hazard areas that they assume responsibility for their actions; and	
9)	Participate in and maintain eligibility for flood insurance and disaster relief.	
1.4	Methods of Reducing Flood Losses	This language is included in SMC 17E.030.040.
	order to accomplish its purposes, this ordinance includes thods and provisions for:	
1)	Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities,	
2)	Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;	
3)	Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;	
4)	Controlling filling, grading, dredging, and other development, which may increase flood damage; and	
5)	Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.	

Section 2.0 – Definitions		uded	44 CFR 59.1	
	Yes	No	*Terms with one asterisk are a specific minimum requirement and typically must be adopted. Unless specifically defined below, terms or phrases used in this ordinance shall be interpreted to give them the meaningthey have in common usage, and to give this ordinance the most reasonable application.	
*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.	Yes		Language included in SMC 17A.020.010	
Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.	Yes		Similar language existing in SMC 17A.020.010	
Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.	Yes		Similar language existing in SMC 17A.020.010	
*Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".	Yes		Existing language updated to read: "The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. Special Flood Hazard Area is synonymous in meaning with the phrase "area of special flood hazard."	
ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.		No	Definition not included in SMC 17A.020.010	
*Base flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").	Yes		Language included in SMC 17A.020.020	
*Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.	Yes		Language added to SMC 17A.020.020 with this ordinance	
*Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.	Yes		Similar language existing in SMC 17A.020.020	
Building: See "Structure."	Yes		Definition in SMC 17A.020.020	
Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.		No	Definition not included in SMC 17A.020.020	

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.	Yes		Similar language existing SMC 17A.020.020
Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.		No	Definition not included in SMC 17A.020.030 as Spokane is not a coastal municipality
Critical Facility: 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 installations which produce, use, or store hazardous materials or hazardous waste.	Yes		Similar language existing in SMC 17A.020.030
*Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.	Yes		Language included in SMC 17A.020.040
Elevated Building: For insurance purposes, a non- basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.	Yes		Language included in SMC 17A.020.050
Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).		No	Definition not included in SMC 17A.020.050
Essential Facility: This term has the same meaning as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.		No	Definition not included in SMC 17A.020.050
Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.	Yes		Definition included in SMC 17A.020.050

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Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).	Yes		Definition included in SMC 17A.020.050
Farmhouse: 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.		No	Definition not included in SMC 17A.020.060
 *Flood or Flooding: 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. 	Yes		Existing language in SMC 17A.020.060 updated to required language
*Flood elevation study: 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).	Yes		Language added to SMC 17A.020.060 with this ordinance
*Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas 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).	Yes		Language added to SMC 17A.020.060 with this ordinance

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."	Yes		Language added to SMC 17A.020.060 with this ordinance
*Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.	Yes		Language added to SMC 17A.020.060 with this ordinance
Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.		No	Language not included in SMC 17A.020.060
*Flood proofing: 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.	Yes		Existing language in SMC 17A.020.060 updated to required language
*Floodway: 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 a designated height. Also referred to as "Regulatory Floodway."	Yes		Language added to SMC 17A.020.060 in addition to definition required for Washington Shoreline Management Act
*Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.	Yes		Language added to SMC 17A.020.060 with this ordinance
*Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.	Yes		Language added to SMC 17A.020.080 with this ordinance

*Historia structure: Any structure that is:	Vcc	Language added to SMC 17A 020 000
 *Historic structure: 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; 	Yes	Language added to SMC 17A.020.080 with this ordinance
 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; 		
 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 		
 Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: 		
5) By an approved state program as determined by the Secretary of the Interior, or		
6) Directly by the Secretary of the Interior in states without approved programs.		
*Lowest Floor: 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 (i.e. provided there are adequate flood ventilation openings).	Yes	Similar definition exists in SMC 17A.020.120: "The lowest floor of the lowest enclosed area (including the 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 SMC 17E.030.140."
Manufactured Home: 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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."	Yes	Similar definition exists in SMC 17A.020.130
Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.	Yes	Similar definition exists in SMC 17A.020.130
*Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.	Yes	Definition added to SMC 17A.020.130 with this ordinance

*New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.	Yes		Definition in SMC 17A.020.140 updated with required language
New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.	Yes		Similar definition exists in SMC 17A.020.140
One-hundred-year flood or 100-year flood: See "Base flood."		No	Cross-referenced definition not included in SMC 17A.020.150, rely on SMC 17A.020.020
Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.		No	definition not included in SMC 17A.020.180
*Recreational Vehicle: A vehicle,	Yes		Definition included in SMC 17A.020.180
1) Built on a single chassis;			
 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. 			

*Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. 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 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 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.	Yes	Definition added to SMC 17A.020.190 with this ordinance
* Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.	Yes	Definition added to existing language in SMC 17A.020.190 with this ordinance
*Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.	Yes	Definition updated with this ordinance
*Substantial improvement: 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 reconstruction, rehabilitiation, addition, or other improvement is started. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:	Yes	Definition updated and modified with this ordinance
 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 Any alteration of a "historic structure," 		
provided that the alteration will not preclude the structure's continued designation as a "historic structure." Revised: February 2021		

*Variance: A grant of relief by a community from the terms of a floodplain management regulation.	Yes		Existing language in SMC 17A.020.220: "A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by Title 17 SMC."
Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.	Yes		Similar language exists in SMC 17A.020.230
Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.		No	Language not included in SMC 17A.020.230

Section 3.0 – General Provisions	Code of Federal Regulations Requirement
3.1 Lands to Which This Ordinance Applies	(44 CFR 59.22(a))
This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name} .	Included in SMC 17E.030.050(A)
3.2 Basis for Establishing the Areas of Special Flood Hazard	Mandatory 44 CFR 60.3 (preamble) and 44 CFR60.2(h)
The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for	Language included in SMC 17E.030.050(B)
{exact title of study} " dated {date} , and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date} , and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at	
{community address}.	
The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.	
3.3 Compliance	Mandatory (44 CFR 60.2(h))
All development within special flood hazard areas is subject to the terms of this ordinance and other applicableregulations.	Language added to SMC 17E.030.050
3.4 Penalties For Noncompliance	Mandatory (44 CFR 60.2(h))
No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations 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 thanor imprisoned for not more	Language included in SMC 17E.030.180
than 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 from	

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taking such other lawful action as is necessary to prevent or remedy any violation.	
3.5 Abrogation and Greater Restrictions	Included in SMC 17E.030.050(D)
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.	
3.6 Interpretation	Recommended language
In the interpretation and application of this ordinance, all	
provisions shall be:	Included in SMC 17E.030.050(E)
1) Considered as minimum requirements;	
 Liberally construed in favor of the governing body; and, 	
 Deemed neither to limit nor repeal any other powers granted under state statutes. 	
3.7 Warning And Disclaimer of Liability	Recommended language
The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations.	Included in SMC 17E.030.050(F)
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	
{Community Name} , any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or anyadministrative decision lawfully made hereunder.	
3.8 Severability	Mandatory (44 CFR 60.1(b))
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 severability cause may be included in the adopting ordinance and left uncodified.
the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.	Added to SMC 17E.030.050

Section 4.0 – Administration	
4.1 Establishment of Development Permit	Mandatory (44 CFR 60.3(b)(1))
4.1-1 Development Permit Required	
A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."	Existing in SMC 17E.030.060
4.1-2 Application for Development Permit	The format of Section 4.1-2 is not mandatory but
Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following	the elevation information in subsection 1 and information in subsections 2 through 7 is mandatory. Elevation Certificates are not mandatory outside of Community Rating System communities but are highly recommended.
information is required:1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on	Updated language in SMC 17E.030.060(C)
a current elevation certificate with Section B completed by the Floodplain Administrator.	
 Elevation in relation to mean sea level to which any structure has been flood proofed; 	
 Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5.2-2; 	
 Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; 	
5) Where a structure is proposed in a V,V1-30, or VE zone, a V-zone design certificate;	
 Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and 	
Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.	
4.2 Designation of the Floodplain Administrator	Mandatory (44 CFR 59.22(b)(1))
The {job title of the appropriate administrative official} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.	Similar language exists in SMC 17E.030.070

4.3 Ad	Duties & Responsibilities of the Floodplain ministrator	Mandatory (44 CFR 60.1 (b))
	ties of the (<i>Floodplain Administrator</i>) shall include, but be limited to:	Included in SMC 17E.030.080
4.3	-1 Permit Review	Mandatory (44 CFR 60.1 (b))
Re	view all development permits to determine that:	
1)	The permit requirements of this ordinance have been satisfied;	Updated language in SMC 17E.030.080(A)
2)	All other required state and federal permits have been obtained;	
3)	The site is reasonably safe from flooding;	
4)	The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met.	
5)	Notify FEMA when annexations occur in the Special Flood Hazard Area.	
4.3-2	2 Use of Other Base Flood Data (In A and V Zones)	Mandatory (44 CFR 60.3(b)(4))
A FO	nen base flood elevation data has not been provided (in or V zones) in accordance with Section 3.2, BASIS R ESTABLISHING THE AREAS OF SPECIAL FLOOD ZARD,	Language included in SMC 17E.030.080(B)
rea dat ord	Floodplain Administrator shall obtain, review, and isonably utilize any base flood elevation and floodway a available from a federal, state, or other source, in ler to administer Sections 5.2, SPECIFIC ANDARDS, and 5.4 FLOODWAYS.	
4.3-:	3 Information to be Obtained and Maintained	Required verbatim per (44 CFR 60.3 (b)(5))
1)	Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and maintain a record of 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.	(44 CFR 60.3(b)(5)(i) and (iii)) (44 CFR 60.3(e)(2)) (44 CFR 60.3(b)(5)(i) and (iii)) (44 CFR 60.3(b)(5)(ii))
2)	Documentation of the elevation of the bottom of the	(44 CFR 60.3(b)(5)(iii))
	lowest horizontal structural member in V or VE zones.	(44 CFR 60.3(d)(3))
3)	For all new or substantially improved flood proofed nonresidential structures where base flood elevation	(44 CFR 60.6(a)(6))
	data is provided through the FIS, FIRM, or as required in Section 4.3-2:	(44 CFR 60.3(b)(5)(iii))
	a) Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed.	Updated language in SMC 17E.030.080(C) except for 4.3-3(2)
	 b) Maintain the flood proofing certifications required in Section 4.1-2(3). 	
4)	Certification required by Section 5.4.1 {or the numbering system used by the community} (floodway encroachments).	
5)	Records of all variance actions, including justification for their issuance.	
6)	Improvement and damage calculations.	
0)		

4.3-4 Alteration of Watercourses	Mandatory per (44CFR 60.3(b)(6)) and
Whenever a watercourse is to be altered or relocated:	(44CFR 60.3(b)(7))
 Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and 	Updated language in SMC 17E.030.080(D)
 Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. 	
4.3-5 Interpretation of FIRM Boundaries	This section is not required, but if the Local
Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.	Administrators are performing this task on aregular basis, it should be adopted per (44 CFR 59-76) Updated language in SMC 17E.030.080(E)
4.3-6 Review of Building Permits	Mandatory per (44 CFR 60.3(a)(3))
Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by Section 4.3-2), applications for floodplain development shall be reviewed to assure that proposed construction will be <i>reasonably safe from flooding</i> . The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.	Language added from other section of SMC to be included in SMC 17E.030.080(F)
(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)	
4.3-7 Changes to Special Flood Hazard Area	Recommended.
If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then theproject approval shall be conditioned accordingly.	However, be aware that 44 CFR 65.3 requires communities to submit new technical information regarding changes affecting flooding conditions. Section 4.3-7 gives a community the authority to require necessaryinformation from project proponents.
	Language added to 17E.030.080

Section 5.0 – Provisions for Flood Hazard Reduction	(Section 5.0 is required)
5.1 General Standards	Language exists in SMC 17E.030.130
In all areas of special flood hazards, the following standards are required:	
 5.1-1 Anchoring 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. 	Mandatory per (44 CFR 60.3(a)(b)), (44 CFR 60.3(a)(3)(i)), and (44 CFR 60.3(b)(8)) Refer to guidebook FEMA-85, "Manufactured Home Installation in FloodHazard Areas."
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.	Language updated in SMC 17E.030.130(A)
5.1-2 Construction Materials and Methods	Mandatory
1) All new construction and substantial improvements shall be constructed with materials and utility	(44 CFR 60.3(a)(3)(ii-iv))
equipment resistant to flood damage.2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.	Language exists in SMC 17E.030.130
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 conditionsof flooding.	
5.1-3 Storage of Materials and Equipment	Recommended
1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.	Language added to SMC 17E.030.130
2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.	
5.1-4 Utilities	Mandatory per (44 CFR 60.3(a)(5)(6))
 All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; 	WAC 173-160-171 prohibits new water wells in floodways.
 Water wells shall be located on high ground that is not in the floodway;* 	
 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; 	Language exists in SMC 17E.030.130(D) including reference to WAC
 Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. 	

5.1-5 Development and Subdivision Proposals	Mandatory
All development, including subdivisions, shall:	(44 CFR 60.3(a)(4) and (b)(3))
 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 or eliminate flood damage; 	Language updated in SMC 17E.030.130(E)
 Have adequate drainage provided to reduce exposure to flood damage. 	
4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.	
5.2 Specific Standards	Mandatory per (44 CFR 60.3(c)(1))
In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:	(Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow below-grade crawlspace construction for buildings located in the special flood hazard areas. However, the standards in 11-01 must be specifically adopted, and adopting them can result in a 20% increase in flood insurance premiums.)
	Included in SMC 17E.030.140
5.2-1 Residential Construction	Mandatory per
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 waterproofed or elevated at least one foot above the BFE.	(44 CFR 60.3(c)(2) and (5)), 44 CFR 60.3(c)(7)), (44 CFR 60.3(b)(2)), (44 CFR 60.3(e)), and (44 CFR 60.3(c)(5) Language updated in SMC 17E.030.140(A), excluding language in 5.2-1(2) and (4)
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.	
5) 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 must meet or exceed the following minimum criteria:	
 a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. 	
 b) The bottom of all openings shall be no higher than one foot above grade. 	
 c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided 	

that they permit the automatic entry and exit of floodwater.	
 A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters. 	
Alternatively, a registered engineer or architect may design and certify engineered openings.	
5.2-2 Nonresidential Construction	Mandatory per (44 CFR 60.3(c)(3) and (4))
New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the following requirements:	Nonresidential construction must meet the requirements of subsection 1 or 2.
1) Meet the standards in Section 5.2-1, or	Language updated in SMC 17E.030.140(B)
2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:	
 a) 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; 	
b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;	
c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(3);	
 d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 5.2-1(5); 	
(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)	

5.2-3 Manufactured Homes	Mandatory per(44 CFR 60.3(c)(6)(12))
 All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely 	* If this phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.
 anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement*. This applies to manufactured homes: a) Outside of a manufactured home park or subdivision, b) In a new manufactured home park or subdivision, c) In an expansion to an existing manufactured home park or subdivision, or d) In an existing manufactured home park or subdivision on a site which a manufactured home has incurred "substantial damage" as the result of a flood; and 2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions shall be elevated so that either: a) The lowest floor of the manufactured home is elevated one foot or more* b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at an elevated one foot or more 	Updated language in SMC 17E.030.140(C) to read: "All manufactured homes to be placed or substantially improved on sites within the City's Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that: a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and c. comply with SMC 17E.030.060(C) in completing an Elevation Certificate with the other necessary permits."
least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.	
5.2-4 Recreational Vehicles	Mandatory
Recreational vehicles placed on sites are required to either:	(44 CFR 60.3(c)(14))
1) Be on the site for fewer than 180 days, or	Language exists in SMC 17E.030.140(D)
 Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or 	
3) Meet the requirements of 5.2-3, above.	
5.2-5 Enclosed Area Below the Lowest Floor	Mandatory
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	(44 CFR 60.3(c)(5))
vehicles, building access, or storage.	Added language to SMC 17E.030.140

5.2-6 Small Accessory Structures (Detached Garages & Small Storage Structures)		Recommended
 For A Zones (A, AE, A1-30, AH, AO): 1) In A, AE, A1-30, AH, and AO flood zones, small accessory structures (less than or equal to the size of a one story, two car garage) used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements: 		Not included in SMC, Spokane does not have AO Zones.
	Use of the small accessory structure must be limited to parking of vehicles or limited storage;	
b)		
c)	The small accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;	
d)	Any machinery or equipment servicing the small accessory structure must be elevated or flood proofed to or above the BFE;	
e)	If located in a floodway, then the small accessory structure must comply with floodway encroachment provisions in Section 5.4-1;	
f)	The small accessory structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5).	
g)	The structure shall have low damage potential, and	
h)	If the structure is converted to another use, it must be brought into full compliance with the standards governing such use.	
i)	The structure shall not be used for human habitation.	
Śst	V, VE, V1-30, and VO flood zones, small accessory ructures constructed pursuant to this section may be more than 100 square feet in size.	
 Detached garages, storage structures, and other small accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1. 		
re	oon completion of the structure, certification that the quirement of this section have been satisfied shall be ovided to the Floodplain Administrator for verification.	
	AE and A1-30 Zones with Base Flood ations but No Floodways	Mandatory (44 CFR 60.3(c)(10))
been impro be com cum com com deve of th	eas with BFEs (when a regulatory floodway has not a designated), no new construction, substantial ovements, or other development (including fill) shall permitted within zones A1-30 and AE on the munity's FIRM, unless it is demonstrated that the ulative effect of the proposed development, when bined with all other existing and anticipated dopment, will not increase the water surface elevation e base flood more than one foot at any point within community.	Language included in SMC 17E.030.150

5.4 Floodways	(More restrictive language for floodway
Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase	<i>development per RCW</i> 86.16) Language exists in SMC 17E.030.160
erosion potential, the following provisions apply:	
5.4-1 No Rise Standard	Mandatory
Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.	(44 CFR 60.3(d)(3)) Updated language in SMC 17E.030.160(A)
5.4-2 Residential Construction in Floodways	Mandatory (RCW 86.16.041)
Construction or reconstruction of residential structures is prohibited within designated floodways*, except for (i)	Subsections 1 and 2 can be eliminated at local option.
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, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.	Updated language in SMC 17E.030.160(B) and added language for Replacement of Farmhouses in Floodway as SMC 17E.030.160(C) and Substantially Damaged Residences in Floodway in SMC 17E.030.160(D)
1) Replacement of Farmhouses in Floodway Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:	
 The new farmhouse is a replacement for an existing farmhouse on the same farm site; 	
 b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway; 	
 Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse; 	
 A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing; 	
 e) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse; 	
f) For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the Revised: February 2021	

improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;

- g) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;
- New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
- i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
- 2) Substantially Damaged Residences in Floodway
 - a) For substantially damaged residential all structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-

076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

- i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
- ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

	v)	New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.	
	vi)	New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.	
	vii)	All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.	
	1-3 All bodway	Other Building Standards Apply in the	Mandatory (44 CFR 60.3(d)(1-4)
pu sul flo	rsuant bstantia od haz	5.4-1 is satisfied or construction is allowed to Section 5.4-2, all new construction and l improvements shall comply with all applicable zard reduction provisions of Section 5.0, For Flood Hazard Reduction.	Language included in SMC 17E.030.160(E)
5.5	5 Ge	eneral Requirements for Other Development	Optional Provision
pro	proved ovisions	opment, including manmade changes to or unimproved real estate for which specific are not specified in this ordinance or the state odes with adopted amendments and any	Language added to SMC 17E.030.130
{co	ommun	ity name} amendments, shall:	
1)	Be lo damag	cated and constructed to minimize flood le;	
2)		he encroachment limitations of this ordinance if d in a regulatory floodway;	
3)	mover	chored to prevent flotation, collapse, or lateral nent resulting from hydrostatic loads, including fects of buoyancy, during conditions of the flood;	
4)	Be con	structed of flood damage-resistant materials;	
5)	Meet t 1(5), a	he flood opening requirements of Section 5.2- nd	
6)	above require electric electric design provisi	mechanical, plumbing, and electrical systems the design flood elevation or meet the ements of ASCE 24, except that minimum c service required to address life safety and c code requirements is permitted below the flood elevation provided it conforms to the ons of the electrical part of building code for cations.	

5.6 Critical Facility	Optional Provision
Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.	Language updated in SMC 17E.030.170
5.7 Livestock Sanctuary Areas 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.	Required by RCW 86.16.190. A city that does not allow livestock can forgo this section. While state law requires that local governments make provision for critter pads, it is extremely important to note that RCW 86.16.190 does not relax NFIP standards, including the no rise standard in floodways, in any way.
	Note: To be "elevated sufficiently to protect livestock" typically means to be elevated at least one foot above the BFE.
	Livestock are permitted in the RA Zone, so language added to SMC 17E.030.140 with elevation requirement concurring with section to require 2 feet above BFE

Section 6.0 - Variances	
Variances from the floodplain management standards shall only be issued if meeting all of the applicable criteria in sections 6.1 and 6.2. Variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.	<i>Recommended</i> Conditions for consideration of a variance is included in SMC 17E.030.100, and duties of the Hearing Examiner are outlined in SMC 17E.030.090

6.1 Requirements for Variances

1) Variances shall only be issued:

- a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
- c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- d) Upon a showing of good and sufficient cause;
- e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
- f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 {or the numbering system used by the community} of this ordinance in the definition of "Functionally Dependent Use."
- Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4.0 and 5.0 {or the numbering system used by the community} of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

Recommended. However, any variance provisions need to meet the standards in

44 CFR 60.6

Language included and updated in SMC 17E.030.100

6.2	Variance Criteria	Recommended. However, any variance
1)	In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:	provisions need to meet the standards in 44 CFR 60.6
a)	The danger that materials may be swept onto other lands to the injury of others;	Language included and updated in SMC 17E.030.090
b)	The danger to life and property due to flooding or erosion damage;	
c)	The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;	
d)	The importance of the services provided by the proposed facility to the community;	
e) f)	The necessity to the facility of a waterfront location, where applicable; The availability of alternative locations for the proposed use, which are not subject to flooding or	
g)	erosion damage; The compatibility of the proposed use with existing and anticipated development;	
h)	The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;	
i)	The safety of access to the property in time of flood for ordinary and emergency vehicles;	
j)	The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,	
f)	The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.	
6.3 Var	Additional Requirements for the Issuance of a iance	Recommended. However, any variance provisions need to meet the standards in
1)	Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:	44 CFR 60.6
	a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and	Similar language included and updated in SMC 17E.030.100
	 b. Such construction below the BFE increases risks to life and property. 	
	The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.	
	The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.	
ger pieo not	iances as interpreted in the NFIP are based on the neral zoning law principle that they pertain to a physical ce of property; they are not personal in nature and do pertain to the structure, its inhabitants, economic or sed: February 2021	

financial circumstances. They primarily address small lot in densely populated residential neighborhoods. As such variances from flood elevations should be quite rare.	
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APPENDIX A - STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)	(44 CFR 60.3(c)7, 8 and 11)
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:	The preamble is an optional provision. Per 44 CFR 60.3(c)(7), all other Appendix A standards are mandatory IF there are Mapped AO zones in the community.
 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). New construction and substantial improvements of 	44 CFR 60.3(c)(8)(i), 44 CFR 60.3(c)(8)(ii), and 44 CFR 60.3(c)(11) Not included in SMC as the City of Spokane does not have AO Zones.
 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(2). 	
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 	

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e requirements of subsections (1) and (3) and the anchoring requirements for tured homes (Section 5.2-3).

APPENDIX B - STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)	44 CFR 60.3(e)(2 – 8)
Located within areas of special flood hazard established in	The preamble is an optional provision.
Section 3.2 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:	Per 44 CFR 60.3(e)(4), all otherstandards in Appendix B are mandatory if the community has any V1-30, VE or V zones mapped on its FIRM.
1. All new construction and substantial improvements in	44 CFR 60.3(e)(4), 44 CFR 60.3(e)(4)(i),
zones V1-30 and VE (V if base flood elevation data is	44 CFR 60.3(e)(4)(ii), 44CFR 60.3(e)(2),
available) on the community's FIRM shall be elevated on pilings and columns so that:	44 CFR 60.3(e)(3), 44 CFR 60.3(e)(5),
a) Elevation:	44 CFR 60.3(e)(5)(i), 44 CFR 60.3(e)(6),
,	44 CFR 60.3(e)(7), 44 CFR 60.3(e)(8)(i-iv), and
i. Residential Buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the	44 CFR 60.3(e)(9)(i-iii)
 member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level. ii) Nonresidential buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; and b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a)(i) and (2)(a)(ii). 	Not included in the SMC as the City of Spokane does not have V Zones, the municipality is not a coastal city.
2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The (Floodplain Administrator) shall maintain a record of all such information.	
3. All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide.	
 Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest 	

floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse. displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

- a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
- b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

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

- 5. Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM.
- 6. Prohibit man-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.
- 7. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:
 - a) Outside of a manufactured home park or subdivision,
 - b) In a new manufactured home park or subdivision,
 - c) In an expansion to an existing manufacturedhome park or
 - subdivision, or
 - d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall meet the standards of paragraphs (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of Section 5.2-3.
- 8. Recreational vehicles placed on sites within V or VE zones on the community's FIRM shall either: Revised. February 2021

a)	Be on the site for fewer than 180	
	consecutivedays, or	
b)	Be fully licensed and ready for highway	
	use, on its wheels or jacking system,	
	attached to the site only by quick	
	disconnect type utilities and security	
	devices, and have no permanently	
	attached additions; or	
c)	Meet the requirements of subsections (1)	
	through (6) of this section.	

DRAFT Text Amendment of Chapter 17A.020

17A.020.010 "A" Definitions

A. Abandoned Sign Structure.

See <u>SMC 17C.240.015</u>.

B. Aboveground Storage Tank or AST.

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

C. Accepted.

A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

- 1. "Mother-in-law apartments,"
- 2. "Accessory apartments," or
- 3. "Second units."
- E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

- 1. Accessory structures may be attached or detached from the primary structure.
- 2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
- 3. See also SMC 17A.020.160 ("Primary Structure").

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

- A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified anatomical areas," as defined in <u>SMC 17A.020.190</u>, or "specified sexual activities," as defined in <u>SMC 17A.020.190</u>. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:
 - a. At least thirty percent of the establishment's displayed merchandise consists of said items; or
 - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
 - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using "adult," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests.

- 2. For purposes of this definition, the term "floor space" means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.
- J. Adult Business.

An "adult bookstore or adult video store," an "adult entertainment establishment," or a "sex paraphernalia store."

- K. Adult Entertainment Establishment.
 - An "adult entertainment establishment" is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to "specified sexual activities" as defined in <u>SMC 17A.020.190</u> or "specified anatomical areas" as defined in <u>SMC 17A.020.190</u> for observation by patrons therein.
 - 2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of "specified sexual activities" or "specified anatomical areas."
 - 3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.
- L. Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

M. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

- N. Agricultural Activities.
 - 1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
 - g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and

- h. Maintaining agricultural lands under production or cultivation.
- 2. The City of Spokane shoreline master program defines agriculture activities as:
 - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.
- O. Agricultural Land.

Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. AKART.

An acronym for "all known, available, and reasonable methods to control toxicants" as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

R. All Weather Surface.

A road surface which emergency vehicles and typical passenger vehicles can pass in all types of weather. If unpaved, the top course should be six inches minimum of compacted crushed rock meeting standards for a roadway surface.

S. Alley.

See "Public Way" (SMC 17A.020.160).

T. Alteration.

A physical change to a structure or site.

- 1. Alteration does not include normal maintenance and repair or total demolition.
- 2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.

- c. Increases or decreases in floor area of a building; or
- d. Changes to other structures on the site, or the development of new structures.
- U. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to <u>SMC 17G.080.030</u>.

V. 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.

- ((\forall)) <u>W.</u> Alternative or Post-incarceration Facility. A group living use where the residents are on probation or parole.
- ((₩)) <u>X.</u> [Deleted]
- ((X)) <u>Y.</u> [Deleted]
- ((¥)) <u>Z.</u> [Deleted]
- ((Z)) <u>AA.</u> API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

((AA)) <u>AB.</u> Appeal.

A request for review of the interpretation of any provision of Title 17 SMC.

((AB)) <u>AC.</u> Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

- 1. The applicant and the owner of property to which the land use decision is directed; and
- 2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;
 - b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

((AC)) AD. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

- 1. Holder of fee title or a life estate;
- 2. Holder of purchaser's interest in a sale contract in good standing;
- 3. Holder of seller's interest in a sale contract in breach or in default;
- 4. Grantor of deed of trust;
- 5. Presumptively, a legal owner and a taxpayer of record;
- 6. Fiduciary representative of an owner;
- 7. Person having a right of possession or control; or
- 8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

((AD)) <u>AE.</u> Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in <u>SMC 17G.060.090</u>.

((AE)) AF. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

((AF)) <u>AG.</u> Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

((AG)) <u>AH.</u> Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

((AH)) <u>AI.</u> Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of <u>SMC 17E.050.260</u>.

((AI)) <u>AJ.</u> Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

- 1. Calcium,
- 2. Magnesium,
- 3. Sodium,
- 4. Total hardness,
- 5. Chloride,
- 6. Nitrate-nitrogen, and

- 7. Phosphorus.
- ((AJ)) <u>AK.</u> Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

((AK)) AL. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

((AL)) AM. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

- 2. The base flood depths range from one to three feet.
- 3. A clearly defined channel does not exist.
- 4. The path of flooding is unpredictable and indeterminate.
- 5. Velocity flow may be evident.
- 6. AO is characterized as sheet flow and AH indicates ponding.

((AM)) AN. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

- 1. The base flood depths range from one to three feet.
- 2. A clearly defined channel does not exist.
- 3. The path of flooding is unpredictable and indeterminate.
- 4. Velocity flow may be evident.
- 5. AO is characterized as sheet flow and AH indicates ponding.

((AN)) AO. ((A))Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

((AO)) <u>AP.</u> Arterial.

See:

- 1. "Principal Arterials" SMC 17A.020.160,
- 2. "Minor Arterials" <u>SMC 17A.020.130</u>, or
- 3. "Collector Arterial" <u>SMC 17A.020.030</u>.

((AP)) AQ. Articulation.

The emphasis of architectural elements, such as windows, balconies, and entries that create a complementary pattern or rhythm, dividing the buildings into smaller identifiable pieces.

((AQ)) <u>AR.</u> Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

- 1. An "assisted living facility" contains multiple assisted living units.
- 2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.
- ((AR)) AS. Attached Housing.

Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:

- 1. Townhouses,
- 2. Row houses, and
- 3. Other similar structures

((AS)) AT. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

- 1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
- 2. A breezeway is not considered a common wall.
- 3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

((AT)) AU. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

((AU)) AV. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

((AV)) <u>AW.</u> Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

17A.020.020 "B" Definitions

A. Backed Sign.

See SMC 17C.240.015.

- B. Balloon Sign. See SMC 17C.240.015.
- C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

- E. Bankfull Width.
 - 1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
 - 2. For lakes, ponds, and impoundments, line of mean high water.
 - 3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.
- F. Banner.

See SMC 17C.240.015.

G. Bas-relief.

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

- H. Base Flood.
 - ((1.)) The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the "one hundred year flood."

((2. Designation on maps always includes the letters A or V.))

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

((I)) <u>J.</u> Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

((J)) <u>K.</u> Bedrock.

Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface. ((K)) <u>L.</u> Bee.

Any stage of development of the common domestic honeybee, Apis mellifera species.

((L)) <u>M.</u> Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

((M)) <u>N.</u> Best Available Science.

Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.

((N)) O. Best Management Practices.

The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

((Q)) <u>P.</u> Bicycle Facilities

Facilities designated for use by bicyclists and sometimes by other non-motorized users. The following types of bikeway facilities are identified and further defined in the Comprehensive Plan:

- 1. Bike-Friendly Route.
- 2. Shared lane.
- 3. Neighborhood Greenway.
- 4. Bicycle lane, both striped and physically protected.
- 5. Shared-use pathway.
- ((P)) <u>Q.</u> Binding Site Plan Final.

A drawing to a scale which:

- identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in <u>SMC 17G.080.060</u>;
- 2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
- 3. contains provisions making any development be in conformity with the site plan.
- 4. A binding site plan can only be used on property zoned commercial or industrial.
- ((Q)) <u>R.</u> Binding Site Plan Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

((R)) <u>S.</u> Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-ofway lines.

((S)) <u>T.</u> Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

((∓)) <u>U.</u> Board.

The board of county commissioners of Spokane County.

((U)) <u>V.</u> Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

 $((\forall))$ <u>W.</u> Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

((₩)) <u>X.</u> Breakaway Wall.

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

((X)) <u>Y.</u> Breezeway.

A breezeway is a roofed passageway joining two separate structures.

- $((Y)) \underline{Z}$. Building.
 - 1. A "building" is a structure, or part, used or intended for supporting or sheltering any use or occupancy.
 - 2. The term includes "factory-built structure" and "mobile home."
 - 3. "Building" does not include a recreational vehicle.
 - 4. "Building" means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.
- ((Z)) <u>AA.</u> Building Base.

The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

((AA)) <u>AB.</u> Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.

- 2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
- 3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

((AB)) AC. Building Envelope.

The area of a lot that delineates where a building may be placed.

((AC)) AD. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

((AD)) AE. Build-to Line.

An alignment establishing a certain distance from the property line (street right-ofway line) along which the building is required to be built.

((AE)) <u>AF.</u> Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary highwater mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a "hard" shoreline stabilization measure.

17A.020.040 "D" Definitions

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

C. Debris Slide.

A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

- D. "Decibel (dB)" means the measure of sound pressure or intensity.
- E. Dedication.

The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced

by the approval of such plat, short plat, binding site plan, or at the City's option, by the City recording such dedication deed with the Spokane County auditor.

F. Degraded Wetland.

A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

G. Demolition or Partial Demolition.

The destruction, removal, or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form, or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to chapter 17C.040 SMC.

H. Density.

The number of housing units per acre as permitted by the zoning code.

I. Denuded.

Land that has had the natural vegetative cover or other cover removed leaving the soil exposed to mechanical and chemical weathering.

J. Department.

Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.

K. Design Departure.

Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in chapter <u>17G.030 SMC</u>, Design Departures.

L. Design Criteria.

A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The provisions are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

M. Design Review Board.

The design review board is defined in chapter 4.13 SMC. The design review board was previously named design review committee. Any reference to design review committee is the same as a reference to the design review board.

N. Designation.

The declaration of a building, district, object, site, or structure as a landmark or historic district.

O. Desired Character.

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It

also includes the preferred and envisioned character based on any adopted subarea plans or design criteria for an area.

P. Detailed Site Plan.

A general site plan to which the following detailed information has been added:

- 1. Natural vegetation, landscaping, and open spaces.
- 2. Ingress, egress, circulation, parking areas, and walkways.
- 3. Utility services.
- 4. Lighting.
- 5. Signs.
- 6. Flood plains, waterways, wetlands, and drainage.
- 7. Berms, buffers, and screening devices; and
- 8. Such other elements as required in this chapter.
- Q. Developable Area.

Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone, and associated buffers, or any other restricted area on a particular piece of property.

R. Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, <u>binding site plan</u>, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. Development – Shoreline.

"Development" for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

T. Development ((Activity-))– Floodplain.

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

U. Development Approval.

Any recommendation or approval for development required or permitted by this code.

V. Development Codes.

The state-adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing, and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

W. Development Permit.

Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

X. Development Plan, Site.

The final site plan that accompanied a recommendation or approval for development permitted by this code and that may identify standards for bulk and location of activities, infrastructure and utilities specific to the development.

Y. Dike.

An artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting arable land from flooding.

Z. Direct Impact.

An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

AA. Directional.

Any of the four basic compass directions, abbreviated as follows: N, S, E, W, SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

AB. Directional Sign.

See <u>SMC 17C.240.015</u>.

AC. Director.

The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the director of building services, director of engineering services, and the director of planning services.

AD. Discharge (n).

In the context of chapter <u>17D.090 SMC</u> or chapter <u>17D.060 SMC</u>, this term means runoff, excluding offsite flows, leaving a proposed development through overland flow, built conveyance systems, or infiltration facilities.

AE. Discharge (v).

In the context of chapter <u>17D.090 SMC</u> or chapter <u>17D.060 SMC</u>, this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

AF. Discharger.

In the context of chapter <u>17D.090 SMC</u> or chapter <u>17D.060 SMC</u>, this term means any person that discharges to the City's MS4 or any other publicly owned or operated drainage system that conveys, manages, or disposes of stormwater flows.

AG. District.

A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, and/or structures united by past events or aesthetically by plan or physical development.

AH. Disturbance Area.

In the context of chapter <u>17D.090 SMC</u> or chapter <u>17D.060 SMC</u>, this term means an area where soils are exposed or disturbed by development, both existing and proposed. The disturbance area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering.

AI. Dock.

All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.

AJ. Documented Habitat.

Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish, or plant species.

- AK. Domestic Animal.
 - 1. Large Domestic Animals.
 - a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
 - b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
 - c. Bovines under ten months in age.
 - d. Sheep, goats, and swine under three months in age are not included when counting large animals.
 - 2. Small Domestic Animals.
 - a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
 - b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
 - c. Small livestock are defined as:
 - i. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (sus scrofa vittatus),
 - ii. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
 - iii. all breeds of goats excluding mature large meat breeds such as Boers, and

- iv. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
- v. No horned rams shall be permitted as a small livestock.
- vi. Under no circumstance shall a small livestock exceed thirtysix inches shoulder height or one hundred and fifty pounds in weight.
- d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

AL. Drainage Ditch.

An artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditches channels that support fish are considered to be streams.

AM. Dredge Spoil.

The material removed by dredging.

AN. Dredging.

The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition.

AO. Drift Cell.

Or "drift sector" or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

AP. Driveway.

An all-weather surface driveway structure as shown in the standard plans.

AQ. Duplex.

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

AR. Dwelling Unit.

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

17A.020.060 "F" Definitions

A. Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner's exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

- D. Factory-built Structure.
 - 1. "Factory-built housing" is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.]
 - 2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
- E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

See <u>SMC 17C.240.015</u>.

- G. Feasible (Shoreline Master Program).
 - 1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such

approaches are currently available and likely to achieve the intended results;

- b. The action provides a reasonable likelihood of achieving its intended purpose; and
- c. The action does not physically preclude achieving the project's primary intended legal use.
- 2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
- 3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short-and long-term time frames.

H. Feature.

To give special prominence to.

I. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter <u>17D.020 SMC</u>, Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the lifesupporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

- 1. Clean water and appropriate temperatures for spawning, rearing, and holding.
- 2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.

- 3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
- 4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
- 5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
- 6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.
- M. Flag.

See <u>SMC 17C.240.015</u>.

N. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.

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 City.

P. Flood Insurance Study (FIS).

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.

- Q. Flood or Flooding.
 - <u>1.</u> A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland waters; ((or))

((2.)) <u>b.</u> The unusual and rapid accumulation of runoff of surface waters from any source(($\frac{1}{2}$); or

c. Mudslides or mudflows, which are proximately caused by flooding as defined in section (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 section (1)(a) of this definition. R. Flood Elevation Study.

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

S. Flood Insurance Rate Map (FIRM).

The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas 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).

T. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

U. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

- ((S)) <u>V.</u> Floodway.
 - <u>1.</u> ((The area, as identified in the shoreline master program, that either:)) <u>As</u> identified in the Shoreline Master Program:, the area that either:
 - a. The floodway is the area that either
 - i. has been established in federal emergency management agency flood insurance rate maps or floodway maps; or
 - ii. consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.
 - <u>b.</u> Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.
 - 2. For floodplain management purposes, the floodway is 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 a designated height. Also referred to as "Regulatory Floodway."

((∓)) <u>W.</u> Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

- 1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
- 2. Roof area, including roof top parking.
- 3. Roof top mechanical equipment.
- 4. Attic area with a ceiling height less than six feet nine inches.
- 5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
- 6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).
- ((U)) X. ((Flood-proofing)) Flood Proofing.
 - ((Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.)) 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.
- $((\forall))$ <u>Y.</u> Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

 $((\mathcal{W}))$ <u>Z.</u> Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

((X)) <u>AA.</u> Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

((¥)) <u>AB.</u> Freestanding Sign.

See <u>SMC 17C.240.015</u>.

((Z)) <u>AC.</u> Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

AD. Functionally Dependent Water-Use.

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

17A.020.080 "H" Definitions

A. Habitat.

What plants and animals call "home." Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce and other living and non-living factors. (taken from department of fish and wildlife).

B. Habitat Blocks.

Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.

C. Habitat Conservation.

Protection or preservation of habitat by various means, such as regulation or acquisition.

D. Habitat Fragmentation.

The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.

E. Habitat Management Plan.

A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.

F. Hazard Tree.

Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which, because of its location, is at risk of damaging permanent physical improvements to property or causing personal injury.

G. Hazardous Material.

Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

- H. Hearing Officer.
 - 1. A person or reviewing body appointed by the mayor to consider appeals under <u>SMC 17E.010.140</u>.
 - 2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.
- I. Height.

The height of a building is as defined in the International Building Code, Sec. 502.1 as "building height," the vertical distance from grade plane to the average height of the highest roof surface. Building height for structures in the residential zones is referenced in <u>SMC 17C.110.215</u>, Building Height.

J. High Quality Vegetative Buffer.

A wetland buffer comprised of multilevel dense native vegetation including shrubs.

K. Highest Adjacent Grade.

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

((K)) <u>L.</u> Historic Landmark.

An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.

((J)) <u>M.</u> Historic Preservation Officer (HPO).

The person charged with the daily operation of the historic preservation office and who:

- 1. under the administrative direction of the director of planning, community and economic development, conducts the work program of the City/County historic preservation office; and
- 2. serves as the primary staff person for the City/County landmarks commission.
- N. Historic Structure

For purposes of the floodplain regulations in chapter 17E.030 SMC, any structure that is:

- Listed individually in the National Register of Historic Places, as 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. <u>By an approved state program as determined by the Secretary of the</u> <u>Interior, or</u>
- b. <u>Directly by the Secretary of the Interior in states without approved</u> programs.
- ((L)) <u>O.</u> Hive.

Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.

((M)) <u>P.</u> Homeowners' Association.

Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision, or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.

((N)) <u>Q.</u> House.

A detached dwelling unit located on its own lot.

((Q)) <u>R.</u> Household.

A housekeeping unit consisting of:

- 3. an individual;
- 4. two or more related persons as defined in <u>SMC 17A.020.180(M)</u>;
- 5. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
- 6. adult family homes as defined under Washington State law; or
- 7. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
- 8. up to six residents not related by blood or marriage who live together in a single-family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household.
- 9. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
- 10. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

 $((\mathbf{P}))$ <u>S.</u> Household Pet.

Any animal such as a cat, dog, rabbit, or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.), or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of four months are not included when counting household pets.

((Q)) <u>T.</u> Hydraulic Project Approval (HPA).

A permit issued by the State department of fish and wildlife for modifications to waters of the State in accordance with RCW 77.55.

((R)) <u>U.</u> Hydric Soil.

Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.

((\$)) <u>V.</u> Hydrophytic Vegetation.

Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

17A.020.130 "M" Definitions

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

Or "repair" means those usual activities required to prevent a decline, lapse, or cessation from a lawfully established condition or to restore the character, scope, size, and design of a serviceable area, structure, or land use to a state comparable to its previously authorized and undamaged condition. This does not include any activities that change the character, scope, or size of the original structure, facility, utility, or improved area beyond the original design.

- C. Manufactured Home.
 - 1. "Manufactured home" is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
 - 2. "Manufactured home accessory structure" is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.
- D. Manufactured Home Park.

Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.

E. Marquee Sign.

See <u>SMC 17C.240.015.</u>

F. Marsh.

A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrohytic plants. Shallow water usually stands on a marsh at least during part of the year.

G. Mean Annual Flow.

The average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten years should be used in determining mean annual flow.

H. Mean Sea Level.

For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

((Ħ)) <u>I.</u> Mining.

The extraction and removal of sand, gravel, minerals, or other naturally occurring material from the earth for economic use.

((+)) <u>J.</u> Minor Arterials

A street providing service for trips of moderate length, connecting the principal arterial system to local streets, generally prioritizing mobility over access, and providing intra-community circulation.

 $((J)) \underline{K}$. Mitigation – Mitigate.

An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.

((K)) <u>L.</u> Mitigation – Mitigation Sequencing.

The use of any or all of the following actions listed in descending order of preference:

- 1. Avoiding the impact altogether by not taking a certain action or parts of an action.
- 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
- 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- 5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
- 6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation may include a combination of the above measures.

((L)) <u>M.</u> Mobile Home.

A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes

in effect at the time of construction of introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

((M)) <u>N.</u> Mobile Home Park.

Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for yearround occupancy.

((N)) O. Modification to a Preliminary Plat, Short Plat, or Binding Site Plan.

A change, prior to recording, of an approved preliminary plat, preliminary short plat, or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.

((O)) <u>P.</u> Modular Home.

A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes "pre-fabricated," "panelized," and "factory-built" units.

 $((P)) \underline{Q}.$ Modulation.

A measured and proportioned inflection in a building's face. Articulation, modulation, and their interval create a sense of scale important to residential buildings.

((Q)) <u>R.</u> Monitoring.

Periodic evaluation of a wetlands restoration, creation, or enhancement site or habitat management plan area to determine changes at the site, such as vegetation growth, hydrologic changes, soil development, and use of the site by birds and animals.

((R)) <u>S.</u> Monument.

A physical survey monument as shown in the City's standard plans.

((S)) <u>T.</u> Monument Sign.

See SMC 17C.240.015.

 $((\mp))$ <u>U.</u> Multi-family Residential Building.

A common wall dwelling or apartment house that consists of three or more dwelling units.

((U)) <u>V.</u> Multiple Containment.

A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.

- 1. Containment layers must be resistant to the material stored.
- 2. The volume within the containment system must be at least as large as the primary container.
- 3. Containment layers may be separated by an interstitial space.

$((\forall))$ <u>W.</u> Municipal Separate Storm Sewer System (MS4).

A conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under state law such as sewer district, flood control district, or drainage district, designated and approved management agency under section 208 of the Clean Water Act that discharges to water of the United States;
- 2. designed or used for collecting or conveying stormwater;
- 3. which is not a combined sewer; and
- 4. which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR (Code of Federal Regulation) 122.2.

((₩)) <u>X.</u> MUTCD.

The U.S. department of transportation Manual on Uniform Traffic Control Devices.

Section 17A.020.140 "N" Definitions

A. National Pollutant Discharge Elimination System (NPDES).

The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State department of ecology.

B. National Register.

The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.

- C. Native Plant Community. The collective product of individual plants indigenous to a particular locale responding to shared habitats.
- D. Native Vegetation.

Plant species, which are indigenous to the planning area.

- E. Natural Location of Drainage Systems. The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.
- F. New Construction Floodplain. ((Structures for which the date of complete application for permit commenced on or after July 1, 2004.)) For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later,

and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

G. New Manufactured Home Park or Subdivision – Floodplain.((\))

A manufactured home park or subdivision for which a complete application, as defined by SMC 17G.060.090, for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.

H. NFPA 30.

The National Fire Prevention Association's flammable and combustible liquids code.

- I. "Noise level reduction (NLR)" means the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.
- J. "Noise reduction coefficient (NRC)" means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.
- K. No Net Loss of Shoreline Ecological Functions. A public policy goal that means the maintenance of the aggregate total of the City's shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.
- L. Nominal Driveway Width.

The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

M. Nomination.

The process by which a building, district, object, site, or structure is recommended for placement on a register.

N. Nonbuildable Tract.

Land reserved for specified uses including, but not limited to:

- 1. reserve tracts,
- 2. recreation,
- 3. open space,
- 4. critical areas,
- 5. surface water retention,
- 6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

O. Nonconforming Development.

An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

P. Nonconforming Sign.

See SMC 17C.240.015.

Q. Nonconforming Situation.

A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.

R. Nonconforming Use.

A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.

S. Non-water Oriented Uses.

A use that is not water-dependent, is not water-related, and is not waterenjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the shoreline management act. Any use that does not meet the definition of water-dependent, water-related, or waterenjoyment is classified as non-water oriented.

T. Noxious Weeds.

Those plants which are non-native, highly destructive, and competitive as defined by chapter 17.10 RCW, or as amended.

U. Nursing Home.

A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.

- 1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
- 2. This definition excludes hospitals or sanitariums.

17A.020.190 "S" Definitions

A. Salmonid.

Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.

- B. Sandwich Board Sign.
 - See SMC 17C.240.015.
- C. Scrub-shrub Wetland.

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. Secondary Containment.

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

F. Sediment.

Mineral or organic matter deposited as a result of erosion.

G. Sedimentation.

The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.

H. SEPA Rules.

Chapter 197-11 WAC adopted by the department of ecology.

I. Service Area.

A geographic area defined by the City, which encompasses public facilities that are part of a plan.

J. Serviceable.

Means presently useable.

K. Setback.

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

- 1. "Front setback" means a setback that is measured from a front lot line.
- 2. "Rear setback" means a setback that is measured from a rear lot line.
- 3. "Side setback" means a setback that is measured from a side lot line.
- 4. "Street setback" means a setback that is measured from a street lot line.
- L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

- 1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
- 2. Any establishment located within an enclosed regional shopping mall.
- M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. Shall.

Unless the context indicates otherwise, the term "shall" means:

- In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with "must";
- 2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
- 3. The future tense of the verb "to be."
- O. Shallow Groundwater.

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

P. Shared Use Pathway.

A non-motorized transportation pathway shared by pedestrians, scooters and bicyclists. May be located next to a street or in a separate right-of-way.

Q. Shorelands.

Or "shoreline areas" or "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

R. Shoreline and Ecosystems Enhancement Plan and Program.

See SMC 17E.020.090, Habitat Management Plans.

- S. Shoreline Buffer.
 - 1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
 - 2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
 - 3. The term "buffer area" has the same meaning as "buffer."
- T. Shoreline Enhancement.

Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

U. Shoreline Environment Designations.

The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

- V. Shoreline Habitat and Natural Systems Enhancement Projects.
 - 1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
 - 2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
 - 3. Modification of vegetation,
 - 4. Removal of nonnative or invasive plants,
 - 5. Shoreline stabilization, dredging, and filling.
 - W. Shoreline Jurisdiction.

See "Shorelands."

X. Shoreline Letter of Exemption.

Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under SMC 17E.060.300 and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

- Y. Shoreline Master Program.
 - 1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
 - 2. For the City of Spokane, the shoreline master program includes the:
 - 3. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
 - 4. Shoreline Regulations (chapter 17E.060 SMC),
 - 5. City of Spokane Shoreline Restoration Plan (stand-alone document), and
 - 6. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).
- Z. Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

AA. Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

- AB. Shoreline Protection.
 - 1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.

- 2. The terms "Shoreline protection measure" and this term have the same meaning.
- 3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.
- AC. Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, waterrelated and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms

- AD. Shoreline Restoration.
 - 1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
 - 2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.
- AE. Shoreline Stabilization.

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties, and breakwaters, which are intended to influence wave action, currents, and/or the natural transport of sediments along the shoreline.

AF. Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

AG. Shorelines Hearings Board (SHB).

The shorelines hearings board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

- 1. Appeals from any person aggrieved by the granting, denying, or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW.
- 2. Appeals of department rules, regulations, or guidelines; and
- 3. Appeals from department decisions to approve, reject, or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.
- AH. Short Plat Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

- AI. Short Plat Preliminary.
 - 1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and chapter 58.17 RCW.
 - 2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.
- AJ. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AK. Sign.

See SMC 17C.240.015.

AL. Sign – Animated Sign.

See SMC 17C.240.015.

- AM. Sign Electronic Message Center Sign.
 - See SMC 17C.240.015.
- AN. Sign Face. See SMC 17C.240.015.
- AO. Sign Flashing Sign. See SMC 17C.240.015.
- AP. Sign Maintenance. See SMC 17C.240.015.
- AQ. Sign Off-premises. See SMC 17C.240.015.
- AR. Sign Repair. See SMC 17C.240.015.
- AS. Sign Structure.

See SMC 17C.240.015.

AT. Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

- 1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
- 2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.
- AU. Single-family Residential Building.

A dwelling containing only one dwelling unit.

AV. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

- 1. The structure may or may not have separate or shared cooking facilities for the residents.
- 2. SRO includes structures commonly called residential hotels and rooming houses.
- AW. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

- AX. Site Archaeological.
 - 1. A place where a significant event or pattern of events occurred. It may be the:
 - a. Location of prehistoric or historic occupation or activities that may be marked by physical remains; or
 - b. Symbolic focus of a significant event or pattern of events that may not have been actively occupied.
 - 2. A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural, or archaeological significance.
- AY. Site, Parent.

The initial aggregated area containing a development, and from which individual lots may be divided, as used in the context of SMC 17C.110.360 Pocket Residential Development, and SMC 17G.080.065, Alternative Residential Subdivisions.

AZ. Slump.

The intermittent movement (slip) of a mass of earth or rock along a curved plane.

BA. SMC.

The Spokane Municipal Code, as amended.

BB. Soil.

The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

BC. Sound Contours.

A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

BD. Sound Transmission Class (STC).

A single-number rating for describing sound transmission loss of a wall, partition, window or door.

BE. Special Drainage District (SDD).

An area associated with shallow groundwater, intermittent standing water, or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in SMC 17D.060.130.

BF. Special Event Sign.

See SMC 17C.240.015.

BG. Species of Concern.

Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

BH. Specified Anatomical Areas.

They are human:

- 1. Genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
- 2. Male genitals in a discernibly turgid state, even if completely and opaquely covered.
- BI. Specified Sexual Activities.

Any of the following:

- 1. Human genitals in a state of sexual stimulation or arousal;
- 2. Acts of human masturbation, sexual intercourse, or sodomy; and
- 3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- BJ. Spokane Regional Stormwater Manual (SRSM).

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

BK. Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

BL. Sports Field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

BM. Stabilization.

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

BN. Standard Plans.

Refers to the City of Spokane's standard plans.

BO. Standard References

Standard engineering and design references identified in SMC 17D.060.030.

BP. Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. 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 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 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

((BP)) BQ. State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

((BQ)) BR. State Endangered Species.

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

((BR)) BS. State Register.

The register maintained pursuant to chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

((BS)) BT. State Sensitive Species.

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

((BT)) <u>BU</u>. State Threatened Species.

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

((BU)) <u>BV</u>. Stealth Facilities.

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

- 1. Architecturally screened roof-mounted antennas;
- 2. Building-mounted antennas painted to match the existing structure;
- 3. Antennas integrated into architectural elements; and

- 4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.
- ((BV)) <u>BW</u>. Stewardship.

Acting as supervisor or manager of the City and County's historic properties.

- ((BW)) <u>BX</u>. Stormwater.
 - 1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
 - 2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.
- ((BX)) BY. Stormwater Management Program (SWMP).

A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

((B¥)) <u>BZ</u>. Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

- 1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
- 2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;
- 3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
- 4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.
- ((BZ)) <u>CA</u>. Stream.
 - A naturally occurring body of periodic or continuously flowing water where the:
 - 1. Mean annual flow is greater than twenty cubic feet per second; and
 - 2. Water is contained with a channel (WAC 173-22-030(8)).
- ((CA)) <u>CB</u>. Street.

See "Public Way" (SMC 17A.020.160).

- ((CB)) <u>CC</u>. Street Classifications.
 - 1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:

- a. Principal arterial.
- b. Minor arterial.
- c. Collector arterial.
- d. Local access street.
- e. Parkway.
- 2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under SMC 17A.020.160, "P" Definitions.
- ((CC)) <u>CD</u>. Street Frontage.

The lot line abutting a street.

((CD)) <u>CE</u>. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

((CE)) <u>CF</u>. Structural Alteration.

See SMC 17C.240.015.

((CF)) CG. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

- 1. Structure includes:
 - a. Buildings,
 - b. Decks,
 - c. Fences,
 - d. Towers,
 - e. Flag poles,
 - f. Signs, and
 - g. Other similar objects.
- 2. Structure does not include paved areas or vegetative landscaping materials.
- 3. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

((CC)) <u>CH</u>. Structure – Historic.

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

((CH)) <u>CI</u>. Subdivision.

A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease, or transfer of ownership (RCW 58.17.020).

((CI)) <u>CJ</u>. Subject Property.

The site where an activity requiring a permit or approval under this code will occur.

((CJ)) <u>CK</u>. Sublevel Construction Controls.

Design and construction requirements provided in SMC 17F.100.090.

((CK)) <u>CL</u>. Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

((CL)) <u>CM</u>. Substantial Damage – Floodplain.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the ((assessed)) market value of the structure before the damage occurred.

((CM)) CN. Substantial Development.

For the shoreline master program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.

- ((CN)) CO. Substantial Improvement Floodplain.
 - 1. <u>This definition includes structures that have incurred "substantial damage,"</u> <u>regardless of the actual work performed.</u>
 - <u>2.</u> Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed 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.
 - <u>3.</u> 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.
 - 4. The term does not, however, include either any:
 - a. Project for improvement of a structure to correct <u>previously identified</u> existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b. Alteration of a <u>"historic structure"</u> ((listed on the National Register of Historic or State Inventory of Historic Places)), provided the alteration will not preclude the structure's continued designation as a "historic structure."

((CO)) <u>CP</u>. Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with SMC 17D.050A.040(U).

DRAFT Text Amendment of Chapter 17E.030

Section 17E.030.030 Purpose

It is the purpose of this chapter to promote the public health, safety and general welfare, <u>reduce the annual cost of flood insurance</u>, and to minimize to the extent allowed by these provisions public and private losses due to flood conditions in specific areas, and to protect ecological systems, and their functions and values, by provisions designed to:

- A. protect human life and health;
- B. minimize expenditures of public money and costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas subject to flooding;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. adopt procedures to notify potential buyers that property is in a special flood hazard area; and
- H. encourage those who occupy areas of special flood hazard to assume responsibility for their actions.

Section 17E.030.050 General Provisions

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

- A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazards identified by the Federal Insurance ((Administration)) Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Spokane County, Washington and Incorporated Areas" dated July 6, 2010, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) <u>dated July 6, 2010</u>, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The procedure for map corrections is set forth in the federal code of regulations, 44 CFR Part 70. The Flood Insurance Study and Flood Insurance Rate Maps are on file in the City planning department.

The best available information for flood hazard area identification as outlined in Section 17E.030.080(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 17E.030.080(B).

C. Compliance

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

D. Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another Spokane Municipal Code section, shoreline master program and any revisions thereto, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this chapter, 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 the laws of the State of Washington.
- <u>F.</u> Warning and Disclaimer of Liability.

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

<u>G. Severability</u>

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 Section so declared to be unconstitutional or invalid.

Section 17E.030.060 Establishment of Development Permit

A. Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in <u>SMC 17E.030.050(B)</u>. The

permit shall be for all structures including manufactured homes, as defined in <u>chapter 17A.020 SMC</u> and for all development, including fill and other activities also as defined in <u>chapter 17A.020 SMC</u>.

- B. A pre-development conference as set forth in <u>chapter 17G.060 SMC</u> is required for all development proposed in areas identified as potential critical areas within the City of Spokane, including areas of special flood hazard established in <u>SMC</u> <u>17E.030.050(B)</u>.
- C. Application for Floodplain Development Permit.

Application for a floodplain development permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities and the location of foregoing. Specifically, the following information is required:

- Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator((-));
- Elevation in relation to mean sea level to which any structure has been floodproofed((-));
- ((Certification)) Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in <u>SMC</u> <u>17E.030.130((-));</u>
- 4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development((-)):
- 5. A completed critical areas checklist as established at <u>chapter 17G.060</u> <u>SMC((-));</u>
- A completed environmental checklist, unless the ((local administrator)) <u>Floodplain Administrator</u> as designated in <u>SMC 17E.030.070</u> has determined that the project is categorically exempt from <u>chapter 17E.050</u> <u>SMC;-and</u>
- 7. <u>Where development is proposed in a floodway, an engineering analysis</u> indication no rise of the Base Flood Elevation; and

8. ((AII)) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application, including all studies, reports and information required by reviewing departments or agencies to fully disclose potential environmental impacts of the proposal. These studies are required to demonstrate acceptance by the applicable department or agencies prior to the application being certified complete.

D. Fee Processing.

Floodplain development permits shall be processed as set forth in <u>chapter 17G.060</u> <u>SMC</u>.

E. Fee Schedule.

The fees for processing a floodplain development permit are set forth in \underline{SMC} 8.02.066(F).

Section 17E.030.070 Designation of the ((Local)) Floodplain Administrator

The director of planning services and/or his or her designee is hereby appointed as ((local administrator)) <u>Floodplain Administrator</u> to administer ((and)), implement, and enforce this chapter by granting or denying development permit applications in accordance with its provisions.

Section 17E.030.080 Duties and Responsibilities of the ((Local)) <u>Floodplain</u> Administrator

- A. The duties and responsibilities of the ((local administrator)) <u>Floodplain</u> <u>Administrator</u> shall include, but not be limited to, review of all development permits to determine:
 - 1. that the permit requirements of this chapter have been satisfied, all necessary information has been provided for a determination that the application is counter complete;
 - that all ((necessary)) <u>other required state and federal</u> permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; ((and))
 - 3. that the site is reasonably safe from flooding;
 - <u>4.</u> ((if)) <u>that</u> the proposed development is <u>not</u> located in the floodway. If located in the floodway, assure that the encroachment provisions of SMC 17E.030.160 are met((-));
 - <u>5.</u> if the proposed development complies with the policies, provisions, and requirements of the shoreline master program, as now or hereafter amended((-)); and
 - 6. notify FEMA when annexations occur in the Special Flood Hazard Area.
- B. Use of Other Base Flood Data in "A" Zones.

When base flood elevation data has not been provided ("A" Zones) in accordance with SMC 17E.030.050, the ((local administrator)) <u>Floodplain Administrator</u> shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer SMC 17E.050.140 and SMC 17E.050.160.

- C. Information to be Obtained and Maintained.
 - Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (B) of this section, the ((local administrator)) <u>Floodplain Administrator</u> shall 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.

- For all new or substantially improved flood-proofed <u>non-residential</u> structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in the subsection above, the ((local <u>administrator</u>)) <u>Floodplain Administrator</u> shall:
 - a. obtain and <u>maintain a</u> record <u>of</u> the elevation (in relation to mean sea level) to which the structure was flood proofed, and
 - b. maintain the flood proofing certifications required in SMC 17E.030.060.
- 3. The ((local administrator)) Floodplain Administrator shall maintain for public inspection all records pertaining to the provisions of this chapter.
- 4. Certification required in SMC 17E.030.160(A) (No Rise Standard).
- 5. Records of all variance actions, including justification for their issuance.
- 6. Improvement and damage calculations.
- D. Alteration of Watercourses.

Whenever a watercourse is to be altered or relocated:

- The ((local administrator)) <u>Floodplain Administrator</u> shall notify adjacent communities and the Washington state department of ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration <u>through appropriate</u> <u>notification means (44 CFR 60.3(b)(6))</u>.
- 2. The ((local administrator)) Floodplain Administrator shall require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
- E. Interpretation of FIRM Boundaries.

The ((local administrator)) <u>Floodplain Administrator</u> shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in SMC 17E.030.090. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

F. Review of Building Permits

- 1. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source outlined in Section 17E.030.080(B), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
- 2. Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

G. Changes to Special Flood Hazard Area (SFHA)

1. If a project will encroach on the regulatory floodway or alter boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive, approvals required by FEMA.

2. If a CLOMR or LOMR application is made, then the project proponent shall also supply the full CLOMR or LOMR documentation package, as applicable, to the Floodplain Administrator, including all required property owner notifications. The Floodplain Administrator may condition permits to address Letter of Map Change determinations after issuance of the permit.

Section 17E.030. Variance Procedure – Hearing Examiner

- A. The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the director in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the hearing examiner, or any taxpayer, may appeal such decisions to the Spokane County superior court, as provided in chapter 17G.060 SMC.
- D. In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
 - 1. danger that materials may be swept onto other lands to the injury of others
 - 2. danger to life and property due to flooding or erosion damage;
 - 3. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. importance of the services provided by the proposed facility to the community;
 - 5. necessity to the facility of a waterfront location, where applicable;
 - 6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 7. compatibility of the proposed use with existing and anticipated development;
 - 8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- 9. safety of access to the property in times of flood for ordinary and emergency vehicles;
- 10. expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- 11. costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
- 12. cumulative impact of additional requests of like actions in the area; and
- 13. relationship of the proposed development to the shoreline master program policies and regulations as now or hereafter amended, and floodplain management for that area.
- E. Upon consideration of the factors of subsection (D) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of the variances as he/she deems necessary to further the purposes of this chapter.
- F. The ((local administrator)) Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Section 17E.030.100 Variances

A. Conditions.

A variance shall be granted if conditions set forth in SMC 17G.060.170(E) are met. In addition to SMC 17G.060.170(E), the following additional conditions should be considered:

- 1. Generally, the only condition under which a variance from the elevation standard is issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the decision criteria in this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases. Variances from the standards and conditions of this chapter are not allowed for residential uses in the floodway except for historic buildings as allowed by this section.
- 2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Spokane Register of Historic Places, ((without regard to the procedures set forth in this section)) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is

the minimum necessary to preserve the historic character and design of the structure.

- 3. Variances will not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5. Variances will only be issued upon a:
 - a. showing of good and sufficient cause;
 - b. determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.
- 6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.
- ((7.)) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except this section, and otherwise complies with SMC 17E.030.050.
- ((8.)) <u>7.</u> Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction below the BFE increases risks to life and property.
- B. Variances will be processed as set forth in Table 17G.060-3.
- C. The fees for processing a variance are set forth in SMC 8.02.066(G).

REPEAL ((Section 17E.030.120 Resource Material))

((The following required standards are prescribed in all areas of special flood hazards. Except where this chapter provides otherwise, the most current edition of the following publications may be used as reference documents:

- A. "Guideline and Specification for Contractors," Federal Emergency Management Agency, Federal Insurance Administration.
- B. "Floodplain Management Conferences," Federal Emergency Management Agency, Federal Insurance Administration.
- C. "Guide for Ordinance Development," Federal Emergency Management Agency, Federal Insurance Administration.
- D. "Coordination During Flood Insurance Studies," Federal Emergency Management Agency, Federal Insurance Administration.
- E. "The Floodway: A Guide for Community Permit Officials," Federal Emergency Management Agency, Federal Insurance Administration.
- F. "Floodplain Management Handbook for Local Administrators," Washington State Department of Ecology.
- G. "Program for Map Changes by Letter," Federal Emergency Management Agency, Federal Insurance Administration.
- H. "Appeals, Revisions, and Amendments to Flood Insurance Maps," Federal Emergency Management Agency, Federal Insurance Administration.
- I. "Base Flood Elevation Determination," Federal Emergency Management Agency, Federal Insurance Administration.))

Section 17E.030.130 General Standards

In all areas of special flood hazards, the following standards, in addition to those imposed by other existing regulations are required:

- A. Anchoring.
 - 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 buoyancy.
 - 2. All manufactured homes shall 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:
 - a. use of over-the-top <u>or frame ties</u> is provided at each of the four corners of the manufactured home, with two additional ties per site at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;

- b. frame ties is provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
- c. all components at the anchoring system are capable of carrying a force of four thousand eight hundred pounds; and
- d. any additions to the manufactured home are similarly anchored.
- The guidebook "Manufactured Home Installation in Flood Hazard Areas, FEMA-85 ((, 9/85")) is adopted by reference for further manufactured home anchoring techniques.
- ((B. AO Zone Drainage.

Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.))

- ((C.)) <u>B.</u> 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. Storage of Materials and Equipment
 - 1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
 - 2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.
- D. Utilities.
 - 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - 2. Any proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171).
 - 3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 - 4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- E. ((Subdivision Proposals)) Development and Subdivision Proposals.

((All subdivisions proposals shall:

- 1. be consistent with this chapter;
- 2. be consistent with the need to minimize flood damage;
- 3. have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
- 4. have adequate drainage provided to reduce exposure to flood damage; and
- 5. be generated by an engineer hired by the applicant for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less; where base flood elevation data has not been provided or is not available from another source.))

All development, including subdivisions, 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 or eliminate flood damage;
- 3. Have adequate drainage provided to reduce exposure to flood damage; and
- 4. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application, and prepared by an engineer licensed in the State of Washington.
- ((F. Review of Building Permits.

Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building and land use permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, et cetera, where available. Failure to elevate at least two feet above highest adjacent grade in these zones may result in higher insurance rates. The applicant will provide studies and information as necessary for review.))

F. Minimum Requirements.

All development or which specific provisions are not specified in the Spokane Municipal Code or the state building codes, and adopted amendments, shall:

- 1. Be located and constructed to minimize flood damage;
- 2. Meet the encroachment limitations of this ordinance if located in a regulatory <u>floodway</u>;
- 3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- Be constructed of flood damage-resistant materials;
- 5. Meet the flood opening requirements of SMC 17E.030.140(A)(3), and
- 6. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code

requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 17E.030.140 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in ((this chapter,)) Section 17E.030.050(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 17E.030.080(B), Use of Other Base Flood Data in <u>"A" Zones,</u> the following provisions are required:

- A. Residential Construction.
 - 1. New construction and substantial improvement of any residential structure in AE and other A Zones where BFE has been determined or can be reasonably obtained shall have the lowest floor, including basement, elevated two feet above the base flood elevation. <u>Mechanical equipment</u> and utilities shall be waterproof or elevated least two foot above the BFE.
 - 2. <u>New construction and substantial improvement of any residential structure</u> 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.
 - ((2.)) <u>3.</u> 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 shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
 - b. The bottom of all openings must be no higher ((that)) than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - e. Alternatively, a registered engineer or architect may design and certify engineered openings.

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 two feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall)) meet the requirements of subsection 1 or 2, below:

- ((1. be floodproofed so that below two feet or more 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;
- 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 local administrator as set forth in SMC 17E.030.080;
- 4. nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A) of this section;))
- <u>1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:</u>
 - a. In AE, A1-30 zones, or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement shall have the lowest floor, including basement, elevated two foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater.
 - b. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.
 - c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
 - d. 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 a registered architect and must meet or exceed the following minimum criteria:

- i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- ii. The bottom of all openings shall be no higher than one foot above grade; and
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- e. 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.
 - i. Alternatively, a registered engineer or architect may design and certify engineered openings.
- 2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:
 - a. Be dry floodproofed so that below two foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in SMC 17E.030.080;
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in SMC 17E.030.140(A)(3).
- ((5.)) <u>3.</u> ((applicants)) Applicants who are 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 the base flood level is rated as one foot below).
- C. Manufactured Homes.
 - All manufactured homes to be placed or substantially improved ((within zones A1-A30, AH, AO and AE on the City's flood insurance rate map on sites)) on sites within the City's Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:

((a. outside of a manufactured home park or subdivision;

b. in a new manufactured home park or subdivision;

- c. in an expansion to an existing manufactured home park or subdivision, or
- d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- 2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, AO and AE on the City's flood insurance rate map that are not subject to the above manufactured home provisions shall be elevated so that either:
 - a. the lowest floor of the manufactured home is elevated two feet or more above the base flood elevation; or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less that thirty-six inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.))
 - <u>a. the lowest floor of the manufactured home is elevated two feet above</u> <u>the Base Flood Elevation (BFE); and</u>
 - <u>b. it be securely anchored to an adequately anchored foundation</u> <u>system to resist flotation, collapse, and lateral movement; and</u>
 - <u>c. comply with SMC 17E.030.060(C) in completing an Elevation</u> <u>Certificate with the other necessary permits.</u>
- D. Recreational Vehicles.

Recreational vehicles placed on sites ((within zones A1-30, AH, AO and AE on the City's flood insurance rate map)) are required to either:

- 1. be on the site for fewer that one hundred and eighty consecutive days;
- 2. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- 3. meet the requirements of subsection (C) of this section and the elevation and anchoring requirements for manufactured homes.

E. Livestock Sanctuary Areas

<u>Elevated areas for the for the purpose of creating a flood sanctuary for livestock</u> <u>are allowed on farm units where livestock is allowed. Livestock flood sanctuaries</u> <u>shall be sized appropriately for the expected number of livestock and be elevated</u> <u>two feet above the Base Flood Elevation (BFE). Proposals for livestock flood</u> sanctuaries shall meet all procedural and substantive requirements of Chapter <u>17E.030.</u>

F. 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.

Section 17E.030.150 ((Before Regulatory Floodway)) <u>AE Zones with Base Flood</u> <u>Elevations but No Floodways</u>

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted ((within zones A1-30 and AE on the City'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 City.

Section 17E.030.160 Floodways

Located within areas of special flood hazard established in SMC 17E.030.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and <u>increase</u> erosion potential, the following provisions apply:

A. No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any ((increasing)) increase in flood levels during the occurrence of the base flood discharge.

B. Residential Construction in Floodways.

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

- 1. repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
- 2. repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the ((assessed)) market value of the structure either:
 - a. before the repair or reconstruction is started; or

- b. if the structure has been damaged, and is being restored, before the damage occurred.
- <u>3.</u> Any ((project of)) improvement ((of a structure)) to structures identified as <u>historic places or</u> to correct existing violations of state or local health, sanitary or safety code specification ((which)) that have been identified by the local code enforcement official and ((which)) are the minimum necessary to assure safe living conditions ((or to structures identified as historic places)) shall not be included in the fifty percent.
- C. Replacement of Farmhouses in Floodway.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

- 1. <u>The new farmhouse is a replacement for an existing farmhouse on the same farm site;</u>
- 2. <u>There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway:</u>
- 3. <u>Repairs, reconstruction, or improvements to a farmhouse shall not increase</u> the total square footage of encroachment of the existing farmhouse;
- 4. <u>A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;</u>
- 5. <u>A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;</u>
- 6. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
- 7. <u>New and replacement water supply systems are designed to eliminate or</u> <u>minimize infiltration of flood waters into the system;</u>
- 8. <u>New and replacement sanitary sewerage systems are designed and located</u> to eliminate or minimize infiltration of flood water into the system and <u>discharge from the system into the flood waters; and</u>
- 9. <u>All other utilities and connections to public utilities are designed,</u> <u>constructed, and located to eliminate or minimize flood damage.</u>
- D. Substantially Damaged Residences in Floodway.
 - For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may

exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

- 2. <u>Before the repair, replacement, or reconstruction is started, all requirements</u> of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and <u>all applicable local regulations must be satisfied. In addition, the following</u> <u>conditions must be met:</u>
 - a. <u>There is no potential safe building location for the replacement</u> residential structure on the same property outside the regulatory floodway.
 - b. <u>A replacement residential structure is a residential structure built as</u> <u>a substitute for a legally existing residential structure of equivalent</u> <u>use and size.</u>
 - c. <u>Repairs, reconstruction, or replacement of a residential structure</u> <u>shall not increase the total square footage of floodway</u> <u>encroachment.</u>
 - d. <u>The elevation of the lowest floor of the substantially damaged or</u> replacement residential structure is a minimum of one foot higher than the BFE.
 - e. <u>New and replacement water supply systems are designed to</u> <u>eliminate or minimize infiltration of flood water into the system.</u>
 - f. <u>New and replacement sanitary sewerage systems are designed and</u> <u>located to eliminate or minimize infiltration of flood water into the</u> <u>system and discharge from the system into the flood waters.</u>
 - g. <u>All other utilities and connections to public utilities are designed,</u> <u>constructed, and located to eliminate or minimize flood damage.</u>
- ((D.)) <u>E.</u> If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of SMC 17E.030.130 ((and)), 17E.030.140, and 17E.030.130(F).

Section 17E.030.170 ((Standards for Shallow Flooding Areas (AO Zones))) Essential Public and Critical Facilities within Special Flood Hazard Areas

((A. Shallow flooding areas appear on FIRMS as AO zones with depth designations. The base flood depths in these zones range from one to three 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:

- New construction and substantial improvements of residential structures and manufactures homes within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure, two feet 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, two feet 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 an hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in SMC 17E.030.140(B)(3).
- 3. Adequate drainage paths shall be required 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 are required to either:
 - a. be on the site for fewer than one hundred eighty 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 (A)(1) and (A)(3) of this section and the anchoring requirements for manufactured homes (SMC 17E.030.130(A)(2)).
- B. Essential Public Facilities.))
- Construction of ((new)) essential public facilities, as defined in SMC 17C.190.530, or another critical facility shall be, to the extent possible, located outside the limits of the special flood hazard area.
- <u>2.</u> Construction of new essential public facilities shall be permissible within the special flood hazard area if no feasible alternative site is available.

- 3. ((Essential public facilities)) Facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher.
- <u>4.</u> Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. All ((essential public)) facilities shall have access routes elevated to or above the level of the base flood elevation.
- 5. Access to and from the facility should also be protected to the height utilized above.

BRIEFING PAPER Plan Commission Stormwater Ordinance Update September 8, 2021

<u>Subject</u>

Updates to Stormwater Sections 17D.060.030, 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070, 17D.090.110, and 17D.090.210 of the Spokane Municipal Code.

Background

The Eastern Washington Phase II Stormwater Permit requires the City of Spokane to update its municipal code to require projects to adhere to minimum technical requirements and Best Management Practices, reflect and include inspection requirements of private stormwater facilities, and include provisions to review site plans and inspect sites with high potential for sediment transport prior to clearing or grading. The proposed changes to the Spokane Municipal Code are added language to meet the intent of the permit.

Impact

The changes in large part are to provide clarity to the language in the code. The significant change proposed within these changes is a requirement for stormwater facilities (i.e. swales, etc) on private new and re-development properties from year 2011 moving forward to be inspected annually and the city provided an annual certification that the facilities are functioning as designed. The inspection requirement is a requirement of the City's stormwater permit, and the City is electing to have annual certifications provided by qualified 3rd parties in lieu of requiring private property access in perpetuity for the lifetime of the private stormwater facilities.

<u>Action</u>

Actions required are to communicate to the known affected private property owners and make them aware of the inspection requirements. A letter will be mailed to the affected parties on or near September 12, 2021.

Funding

Not applicable.