



City of Poulsbo

## PMC Chapter 15.24 – Floodplain Management Revision and Update

### Overview Memo

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#### **INTRODUCTION:**

Chapter 15.24 of the Poulsbo Municipal Code regulates and manages development in areas of special flood hazard within the City. The City's adoption and enforcement of 15.24 promotes public health, safety and welfare by reducing loss of life and property damage due to flooding and by minimizing expenditures for flood control projects and for rescue and relief operations. Chapter 15.24 allows property owners in the City of Poulsbo to purchase flood insurance through the National Flood Insurance Program (NFIP).

Periodically the Flood Insurance Maps are revised and updated by FEMA. In addition, language and references in Chapter 15.24 may be necessary to be revised and updated in order to keep the City code up-to-date. If the City codes are not updated and the new maps are not adopted, then the property owners in the City of Poulsbo may lose the ability to purchase flood insurance through the NFIP.

In 2016, FEMA completed a coastal zone flood mapping update, using better technology to properly map the effects of high water combined with wind driven wave action. This study and the associated maps were finalized and published with the official date February 3, 2017. As part of the update, FEMA staff also reviewed Poulsbo Municipal Code (PMC) Chapter 15.24 – Floodplain Management for compliance with current FEMA National Flood Insurance Program requirements, identifying changes as needed.

In general, the revisions to Chapter 15.24 are minor in nature; the overall intent of 15.24 remains the same. The adoption of the February 3, 2017 maps in section 15.24.040 is imperative for the City to maintain compliance with NFIP requirements and for property owners to have the ability to purchase and maintain flood insurance. Several definitions were added to section 15.24.020 to ensure consistency with FEMA definitions.

## ARTICLE I. GENERAL PROVISIONS

### **15.24.010 Purpose.**

This chapter is to:

- A. Promote the public health, safety and general welfare;
- B. Reduce the loss of life and property damages associated with flooding;
- C. Minimize public expenditures for flood control projects and rescue and relief operations;  
and
- D. Assure continued availability of flood insurance. (Ord. 79-24 § 1, 1979)

### **15.24.020 Definitions.**

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

- A. “Appeal” means the request for the review of the city engineer’s interpretation of any provision of this chapter or a request for a variance.
- B. “Area of shallow flooding” means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate. Velocity flow in such zones may be evident. AO is characterized as sheet flow and AH indicates ponding.
- C. “Area of special flood hazard” means the land in the floodplain within the community subject to a one percent or greater chance of flooding in any given year. Designation of these areas on maps always includes the letters A or **BV**.
- D. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year and is also referred to as the one-hundred-year flood. Designation of these areas on maps always includes the letters A or **BV**.
- E. “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.
- F. “Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- G. “Critical Facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police,

fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

**HF.** “Development” means 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.

**I.** “Elevation Certificate” means the official form (FEMA Form 086-0-33) used to track development, provide elevation information necessary to ensure compliance with the community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by Community Officials.

**J.** “Elevated Building” means 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.

**K.** “Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

**L.** “Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**MG.** “Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of service waters from any source.

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

**OF.** “Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood-floodway map and the water surface elevation of the base flood.

**PJ.** “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**QK.** “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built as to render the structure in violation of the applicable nonelevation design requirements of Section [15.24.230](#).

**RL.** “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when ~~connected-attached~~ to the required utilities. The term “manufactured home” does not include a “recreational vehicle.” ~~For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.~~

**SM.** “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

**VΘ.** “Recreational vehicle” means a vehicle:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**WP.** “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work

beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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.

XQ. “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

“Substantial Damage” means 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.

YR. “Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which exceeds or equals fifty percent of the market value of the construction either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, ~~comply with existing state or local health,~~ sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum ~~are solely~~ necessary to ensure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historical Places or the State Inventory of Historical Places.

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

“Water Dependent” means 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. (Ord. 2005-27 §§ 1, 2, 2005; Ord. 87-20 § 1, 1987; Ord. 79-24 § 2, 1979)

### **15.24.030 Lands to which provisions apply.**

This chapter applies to all areas of special flood hazards within the jurisdiction of the city of Poulsbo. (Ord. 79-24 § 3.1, 1979)

#### **15.24.040 Flood hazard areas established.**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Kitsap County and Incorporated Areas,” dated ~~November 4, 2010~~February 3, 2017, and any revisions thereto, with accompanying flood insurance rate maps and any revisions thereto, are adopted by reference and declared to be a part of this section as if set out fully in this section. (Ord. 2010-21 § 1, 2010; Ord. 2005-27 § 3, 2005; Ord. 81-30, 1981; Ord. 79-24 § 3.2, 1979)

#### **15.24.050 Compliance generally.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with all terms of this chapter and other applicable regulations. (Ord. 79-24 § 3.3, 1979)

#### **15.24.060 Effect on conflicting ordinances, easements covenants and deed restrictions.**

This chapter is not intended to repeal, abrogate or impair any existing easement, covenant or deed restriction. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent requirements shall prevail. (Ord. 79-24 § 3.4, 1979)

#### **15.24.070 Interpretation.**

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

- A. Construed as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed not to limit nor repeal any other powers granted under state statute or city ordinance. (Ord. 79-24 § 3.5, 1979)

#### **15.24.080 Liability denied.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Large 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 the area of special flood hazard or uses permitted within such areas will be free from such flooding or flood damage. This chapter shall not create liability on the part of the city of Poulsbo, any officer or employee thereof or the Federal Insurance

Administration, for any flood damage that results from reliance on this chapter or an administrative decision lawfully made under this chapter. (Ord. 79-24 § 3.6, 1979)

## Article II. PERMITS AND ADMINISTRATION

### **15.24.090 Flood protection permit.**

A. Before issuance of any building permit, and before construction or development begins within any area of specific flood hazard established in Section [15.24.040](#), all provisions of this chapter shall be complied with by the person or persons or corporations obtaining the building permit or undertaking the construction or development. This requirement of compliance with the provisions of this chapter applies to all structures, including mobile homes, set forth in Section [15.24.020](#), and for all other development including fill or other activities, also set forth in Section [15.24.020](#). Applications for a building permit within any area of specific flood hazard, as established in Section [15.24.040](#) shall, in addition to meeting the requirements of Chapter [15.08](#), contain the following information:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures as determined by a Washington State registered land surveyor or Washington State licensed civil engineer;
2. Elevation in relation to mean sea level to which any structure has been floodproofed as determined by a Washington State registered land surveyor or Washington State licensed civil engineer;
3. Certification by a registered professional engineer or architect that the floodproofing method for any nonresidential structure meets the floodproofing criteria in Section [15.24.240](#);
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. In the event that any person, persons or corporations undertakes any development including fill or other activity which falls within Section [15.24.020](#), but for which no building permit would otherwise be required but for this chapter, the requirements of this chapter must be met, and the city engineer shall, upon compliance by such person, persons or corporations with all of the requirements of this chapter, issue a certificate to such person, persons or corporations to that effect. (Ord. 79-24 § 4.1, 1979)

### **15.24.100 Administration by city engineer.**

Whenever any building permit application is filed for any structure to be located in an area of special flood hazard, the planning department shall forward the same to the city engineer for review. The city engineer is appointed to administer and implement this chapter by granting or denying building permit applications in accordance with its provisions and all other provisions of the building code of the city. (Ord. 87-20 § 2, 1987; Ord. 79-24 § 4.2, 1979)

### **15.24.110 City engineer's duties.**

Duties of the city engineer include, but are not limited to:

- A. Review of all building permits to determine that the permit requirements of this chapter have been met;
- B. Review of development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
- C. Review of all building permits to determine if the proposed development is located in the floodway. If a development is located in a floodway, the engineer shall ensure that the encroachment provisions of Section [15.24.260\(A\)](#) are met. (Ord. 2005-27 § 4, 2005; Ord. 87-20 § 3, 1987; Ord. 79-24 § 4.3, 1979)

### **15.24.120 Collection and use of other base flood data.**

When base flood elevation data has not been provided in accordance with Section [15.24.040](#), the city engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state or other sources, in order to administer and determine compliance with Sections [15.24.170](#) through [15.24.260](#). (Ord. 87-20 § 4, 1987; Ord. 79-24 § 4.3-2, 1979)

### **15.24.130 Gathering of information.**

A. Where base flood elevation data is provided through the flood insurance study or required as provided in Section [15.24.120](#), the city engineer shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required the city engineer shall:

- 1. Obtain~~Verify~~ and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
- 2. Maintain the floodproofing certifications required in Section [15.24.090\(A\)\(3\)](#).

C. The city engineer shall maintain for public inspection all records pertaining to the provisions of this chapter. (Ord. 87-20 § 5, 1987; Ord. 79-24 § 4.3-3, 1979)

### **15.24.140 Alteration of watercourses.**

The city engineer shall:

A. Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

B. Require that maintenance is provided within the altered or relocated portion of the watercourses so that the flood-carrying capacity is not diminished. (Ord. 79-24 § 4.3-4, 1979)

#### **15.24.150 Interpretation of FIRM boundaries.**

The city engineer shall: make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. The person contesting the location of the boundaries shall be given a reasonable opportunity to appeal the interpretation, as provided in Section [15.24.270](#). (Ord. 89-30 § 1, 1989; Ord. 79-24 § 4.3-5, 1979)

### Article III. CONSTRUCTION, DWELLING AND STORAGE STANDARDS

#### **15.24.160 Applicable to flood hazard areas generally.**

In all areas of special flood hazard the standards set out in Sections [15.24.170](#) through [15.24.260](#) are required. (Ord. 79-24 § 5.1, 1979)

**15.24.170 Anchoring.**A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

B. All manufactured homes must be anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors, or as otherwise provided in FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook. (Ord. 87-20 § 6, 1987; Ord. 79-24 § 5.1-1, 1979)

#### **15.24.180 Construction materials and methods.**

A. All new construction and substantial improvement shall be constructed of materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvement shall be constructed using methods and practices that minimize flood damage.

C. 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. (Ord. 87-20 § 7, 1987; Ord. 79-24 § 5.1-2, 1979)

#### **15.24.190 Utilities.**

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

B. New and replacement sanitary sewers shall be designed to minimize or eliminate the infiltration of floodwaters into the system and discharge from the system into the floodwaters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**D. Water wells shall be located on high ground that is not in the floodway**

(Ord. 2005-27 § 5, 2005; Ord. 79-24 § 5.1-3, 1979)

**15.24.200 Subdivisions.**

A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

D. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less. (Ord. 87-20 § 8, 1987; Ord. 79-24 § 5.1-4, 1979)

**15.24.210 Review.**

Whenever elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test for reasonableness is the judgment of the city engineer and includes use of historical data, high watermarks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. 87-20 § 9, 1987; Ord. 79-24 § 5.1-5, 1979)

**15.24.220 Elevation—Generally.**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section [15.24.040](#), Flood hazard areas established, the provisions set out in Section [15.24.230](#) apply. (Ord. 79-24 § 5.2, 1979)

**15.24.230 Elevation—Residential construction.**

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at one foot or more above base flood elevation.

B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by

allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. 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 shall be provided; and
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters. (Ord. 89-38 § 2, 1989; Ord. 87-20 § 10, 1987; Ord. 79-24 § 5.2-1, 1979)

#### **15.24.240 Elevation—Nonresidential construction.**

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

- A. Be floodproofed so that below one foot above the base flood level of the structure is watertight with walls substantially impermeable to the passage of water; and
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- 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 certification shall be provided to the city engineer as set forth in Section [15.24.130\(B\)](#); and
- D. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor set forth in Section [15.24.230\(B\)](#); and
- E. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level). (Ord. 89-38 § 3, 1989; Ord. 87-20 § 11, 1987; Ord. 79-24 § 5.2-2, 1979)

#### **15.24.250 Manufactured homes.**

All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation and all such homes shall be securely anchored to an adequately anchored foundation system in accord with the provisions of Section

[15.24.170](#). (Ord. 2005-27 § 6, 2005: Ord. 89-38 § 4, 1989: Ord. 87-20 § 12, 1987: Ord. 79-24 § 5.2-3, 1979)

### **15.24.255 Recreational vehicles.**

Recreational vehicles placed on sites 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 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 Section [15.24.250](#). (Ord. 2005-27 § 7, 2005)

### **15.24.260 Floodways.**

Located within the areas of special flood hazard established by Section [15.24.040](#) are areas designated as floodways. Such floodways are extremely hazardous areas due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, and the following requirements apply:

- A. Encroachments, including fill, new construction, substantial improvements and other developments, are prohibited unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that encroachment will not result in any increase in the flood levels during the occurrence of the base flood discharge;
- B. 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 flood area, and
  - 2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either:
    - a. Before the repair, reconstruction, or improvement 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 Work done on structures to comply with existing 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, codes or to structures identified as historic places, may be excluded shall not be included in the fifty percent,

3. If certification is provided as set forth in subsection A of this section, new construction and substantial improvements are allowed; provided, that they comply with all applicable provisions of this chapter. (Ord. 2005-27 § 8, 2005; Ord. 89-38 § 5, 1989; Ord. 87-20 § 13, 1987; Ord. 79-24 § 5.3, 1979)

#### Article IV. VARIANCES, APPEALS AND VIOLATIONS

##### **15.24.270 City council to hear and decide.**

The city council shall decide appeals and requests for variances from the requirements of this chapter. The city council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the city engineer in the enforcement or administration of this chapter. All appeals must be brought by filing a written notice of appeal with the city council within fourteen days of the engineer's decision. Any appeal not brought within this time period is barred. (Ord. 87-20 § 14, 1987; Ord. 79-24 § 4.4, 1979)

##### **15.24.280 Factors to be considered.**

In passing upon applications for variances from the requirements of this chapter, the city council shall consider all technical evaluations, all relevant factors and standards specified in other sections of this chapter, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable;
- F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise, and sediment transport from the floodwaters and effects of wave action, if applicable, expected at the site; and

K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges. (Ord. 87-20 § 15, 1987; Ord. 79-24 § 4.4-1(1), 1979)

#### **15.24.285 General considerations for variances.**

A. Variances from the elevation standards set forth in this chapter will generally be limited to new construction and substantial improvements which are to be erected on a lot of one-half acre or less in size contiguous and surrounded by lots with existing structures constructed below the base flood level; provided, that the requirements of Section [15.24.280](#) are met.

B. Variances shall pertain to a physical piece of property. Variances are not personal in nature and do not pertain to the structure, its inhabitants, its economic or financial circumstances. Variances shall primarily address small lots in densely populated residential neighborhoods.

C. 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 those of subsection A of this section, and otherwise complies with Sections [15.24.170](#) through [15.24.180](#). (Ord. 87-20 § 16, 1987)

#### **15.24.290 Conditions.**

Upon consideration of the factors in Section [15.24.280](#) and the purpose of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. (Ord. 79-24 § 4.4-1(2), 1979)

#### **15.24.300 City engineer to maintain records.**

The city engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 79-24 § 4.4-1(3), 1979)

#### **15.24.310 Variances—Historic structures.**

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical Places or the State Inventory of Historical Places, without regard to the provisions set forth in Sections [15.24.320](#) through [15.24.350](#). (Ord. 79-24 § 4.4-2(1), 1979)

#### **15.24.320 Variances—Designated floodways.**

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. (Ord. 79-24 § 4.4-2(2), 1979)

#### **15.24.330 Variances—Minimum relief.**

Variations shall only be issued upon the determination that the variance is the minimum necessary, considering the flood hazard to afford relief. (Ord. 79-24 § 4.4-2(3), 1979)

#### **15.24.340 Variations—Issuance standards.**

Variations shall only be issued upon:

- A. Showing of a good and sufficient cause;
- B. Determination that failure to grant the variance would result in exceptional hardship to the applicants; and
- C. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances. (Ord. 79-24 § 4.4-2(4), 1979)

#### **15.24.350 Variations—Notice of effect and risk.**

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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. (Ord. 79-24 § 4.4-2(5), 1979)

#### **15.24.355 Appeals.**

Any appeal from the decision of the city council on any variance shall be made by filing an appropriate action in Kitsap County Superior Court within ten days after final action is taken by the council. (Ord. 87-20 § 17, 1987)

#### **15.24.360 Violations—Penalty.**

- A. Any person, firm or corporation violating any of the provisions or failing to comply with any of the requirements of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any amount not to exceed five thousand dollars or by imprisonment for a term not to exceed one year, or both such fine and imprisonment.
- B. Every person, firm or corporation is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person, firm or corporation, and is punishable accordingly.
- C. In addition to the penalties in subsections A and B of this section, the city may, in its discretion, commence a civil action to compel compliance with the provision of this chapter in either the Poulsbo municipal court or the Kitsap County superior court. In addition, any violation or failure to comply with any provision of this chapter shall constitute a public nuisance and all

remedies give by law for the prevention and abatement of nuisances shall apply thereto. (Ord. 87-20 § 18, 1987; Ord. 79-24 § 6, 1979)

**15.24.370 Severability.**

If any section, clause, sentence or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.