

TITLE 10

BUILDING REGULATIONS

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CHAPTER 1

DEFINITIONS

Section:

10-1-1: Definitions

10-1-1: DEFINITIONS: Unless specifically defined below, words or phrases used in this title shall be interpreted so as to give them the meanings they have in common usage and to give this title its most reasonable application. For purposes of this title, the following words and terms shall have the meanings designated in this section:

ADEQUATE (regarding transportation): A transportation facility that meets or exceeds the city's adopted standards of service set forth in the city's comprehensive plan.

APPEAL: A request for a review of the interpretation of any provision of this title or a request for a variance.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet (3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

BASE FLOOD: A flood occurring on the average once every one hundred (100) years, or with a recurrence level of one hundred (100) years. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letter A or V.

BASEMENT: Any area of a building having its floor below ground level ("subgrade") on all sides.

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.

BUILDING PERMIT: Written permission by the Building Inspector or his designee for the construction, repair, alteration, or addition of a structure.

CAPACITY, TRAFFIC: The maximum number of vehicles that can be accommodated during a specified travel period at a specified level of service. Capacity shall be calculated according to the methodology used in the most current Highway Capacity Manual. An alternative methodology may be used only if it is pre-approved by the city administrator or his/her designee.

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 coastal high hazard area is designated on the FIRM as zone V1-30, VE, or V.

COMPLETION OF DEVELOPMENT: That point in time when the certificate of occupancy or other approval has been issued by the city, thereby authorizing occupancy and use of a development.

CONCURRENCY: The concept that capital facilities shall be “concurrent” with new development or redevelopment (infrastructure is developed on as “pay-as-you-go” basis). The level of service for intersection and roadway segments adopted in the city’s comprehensive plan shall be maintained or improved with completion of new development or redevelopment.

CONCURRENCY DISTRICTS: Geographic subareas of the city established to monitor available transportation capacity.

CONCURRENCY, FINDING OF: The finding that is part of the building permit issued by the city indicating the transportation system has adequate unused or uncommitted capacity, or will have adequate capacity to accommodate traffic generated by a proposed development, without causing level of service to decline below adopted standards.

CONCURRENCY TEST: The comparison of the traffic generated by a proposed development with the unused or uncommitted capacity of existing and planned transportation facilities, in order to assess the impact of the proposed development on the transportation level of service.

CONCURRENT WITH DEVELOPMENT: The improvements or transportation strategies in place at the time of building permit issuance, or the financial commitment in place to complete the improvements or strategies within six (6) years.

CRITICAL FACILITY: A facility for which even a slight chance of flooding might be too great. Critical facilities include and are not limited to: schools; nursing homes; hospitals; police, fire and emergency response installations; installations which produce, use or store hazardous materials or hazardous waste.

DEVELOPMENT: The division of a parcel of land into two or more parcels. The construction, conversion, structural alteration, relocation, or enlargement of any structure; any authorized mining, excavation, landfill, or land disturbance; use or extension of land.

DEVELOPMENT PERMIT: Written permission by the City Administrator or his designee for the division of property, a conditional use, a variance, activities exceeding a certain dollar

amount in the shoreline area, or other land-disturbing or construction activities not specifically yet defined.

ELEVATED BUILDING: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELEVATION CERTIFICATE: The official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate.

FINANCIAL COMMITMENT, TRANSPORTATION: Revenue sources forecast to be available and designated for transportation facilities or strategies in the comprehensive plan or in the transportation element of the comprehensive plan; other unanticipated revenue from federal or state grants, or other sources from which the city has received a notice of commitment; and/or revenue that is assured by an applicant in a form approved by the city.

FIRE RESISTANT SKIRTING: A type of wainscoting around the lower part of a mobile or manufactured home that covers the wheels and undercarriage and is constructed of a fire resistant material, usually aluminum panels or fiber cement board.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the federal insurance administration has delineated both the areas of special flood hazard and the applicable risk premium zones.

FLOOD INSURANCE STUDY: 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.

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 one foot (1').

GRADE: The vertical elevation of the ground surface.

GRADE, FINISHED: The final elevation of the average ground level adjoining a building or structure at all exterior walls after development; also known as post-construction grade.

GRADE, NATURAL: The elevation of the ground level of a site in its natural state before construction, filling or excavation; also known as pre-construction grade.

IMAPCT FEE: A fee imposed on development to help finance the cost of improvements or services.

LEVEL OF SERVICE (LOS) STANDARD: A qualitative measurement describing operational conditions within a traffic stream along a given roadway segment or at a given intersection. Roadway and intersection level of service standards are commonly denoted by a letter ranking from "A" (free flowing/minimal intersection delay), the highest LOS, to "F" (gridlock/long intersection delay), the lowest LOS.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, except for unfinished or flood-resistant enclosures used solely for parking vehicles, building access, or storage. If the lowest enclosed area is used for anything other than parking vehicles, building access, or storage, the floor of that area is considered the lowest floor. Where a basement is present, the floor of the basement (where "basement" means the floor is below grade on all sides) will always be the lowest floor, regardless of how the space is used.

MANUFACTURED HOME: A structure intended for residential habitation that is manufactured in one area, then transported to another area for occupation, and that is consistent with the requirements of Revised Code of Washington 35A.63.145(2).

MANUFACTURED HOME PARK OR SUBDIVISION: A residential development designed, equipped, or maintained for placement of two (2) or more manufactured homes.

MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING: A park or subdivision where construction of facilities servicing lots/sites on which manufactured homes are 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 this title.

MANUFACTURED HOME PARK OR SUBDIVISION, EXPANSION: The creation of additional lots/sites by construction of additional facilities for servicing lots on which 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).

MANUFACTURED HOME PARK OR SUBDIVISION, NEW: A park or subdivision where construction of facilities for servicing lots/sites on which manufactured homes are 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.

MOBILE HOME: A dwelling constructed in a factory prior to June 15, 1976, to standards other than the code set forth by the United States Department of Housing and Urban Development (HUD).

MODULAR HOME: A dwelling constructed in a factory in accordance with the international building code and bearing the appropriate sign indicating such compliance.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after the effective date of this title.

OPENING: In reference to flood hazard reduction, a hole in an otherwise solid wall or footing that allows water to flow through rather than build up pressure on one side of the wall or footing.

RECREATIONAL VEHICLE (RV): Any vehicular portable structure without permanent foundation that can be towed, hauled, or driven, and is primarily designed as a temporary living accommodation for recreational and camping purposes. Recreational vehicles (RVs) include and are not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RV PARK: Any lot or parcel on which two (2) or more stalls are located, established, or maintained for occupancy by RVs for a fee as temporary living quarters for recreation or vacation purposes, and with each site having individual connections for electricity and sanitary services. A RV park may also include amenities for the use of the occupants, including and not limited to laundry, showers, game room, recreation, or restaurant.

RV PARK STALL: A space wherein a RV may be parked within a RV park.

RIGHT-OF-WAY PERMIT: Written permission by the City Administrator or his designee for any activity occurring by non-City personnel located within a City right-of-way.

RECURRENCE INTERVAL: The average number of years between the occurrence of two floods with the same level of discharge. For the base flood (see above), the recurrence interval is one hundred (100) years.

SCREENING: The use of fences, walls, plants, berms, structures or other materials to shield or buffer a use from adjacent properties or uses.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the "actual start of construction" (see below), repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date.

START OF CONSTRUCTION, ACTUAL: Placement of permanent elements of a structure on a site, such as pouring of slab or footings, installation of piles, construction of columns, or any work beyond excavation; or the placement of a manufactured home on a foundation. Does not include land preparation, installation of streets and/or walkways, excavation for a basement, footings, piers, or foundations, or erection of temporary forms. Also does not include installation 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.

STRUCTURE: Anything constructed in the ground, or anything erected that requires location on the ground or water, or is attached to something having location on or in the ground, including a gas or liquid storage tank that is principally aboveground, but not including fences less than six feet (6') in height, paths, trails, or paved areas.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: 1) before the improvement or repair is started; or 2) if the structure has been damaged and is being restored, before the damage occurred. Does not include either: 1) 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 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TRANSPORTATION STRATEGIES: Transportation demand management plans, schemes, techniques, programs, and methodologies for minimizing transportation facility demand. Examples include improved transit service, off peak travel, and ride sharing programs.

TRANSPORTATION FACILITIES, EXISTING: Facilities in place at the time a concurrency test is applied.

TRANSPORTATION FACILITIES, PLANNED: Facilities scheduled to be completed no later than the sixth (6th) year of the capital facilities plan and/or transportation element in effect at the time the city approves the development.

VARIANCE: An adjustment in the application of the specific regulations of this title to a particular piece of property which, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.

WATER DEPENDENT: A structure for commerce or industry which cannot exist in any non-water location and is dependent on the water by reason of the intrinsic nature of its operations.

**CHAPTER 2
BUILDINGS AND CONSTRUCTION**

Section:

- 10-2-1: Building codes adopted
- 10-2-2: Fire code
- 10-2-3: Building Official
- 10-2-4: Building permits and fees
- 10-2-5: Construction in compliance with approved plans
- 10-2-6: Accessory buildings
- 10-2-7: Fences
- 10-2-8: Retaining walls
- 10-2-9: Signs
- 10-2-10: Repairs and maintenance
- 10-2-11: Inspection of improvements
- 10-2-12: Certificate of occupancy

10-2-1: BUILDING CODES ADOPTED: The model codes listed below, as approved and adopted by the State Building Code Council, together with any amendments or additions, are hereby adopted by this reference. These codes must apply to all new construction, remodeling, or repairs. Copies of the codes are on file for inspection in the office of the building department of the city.

- A. International building code 2006;
- B. International mechanical code 2006;
- C. International residential code 2006;
- D. International plumbing code 2006;
- E. Uniform swimming pool, spa, and hot tub code 2006;
- F. Uniform code for the abatement of dangerous buildings 1997;
- G. Washington state barrier free regulations;
- H. Washington state electrical code;
- I. Washington state energy code;
- J. Washington state historic building code; and

- K. Washington state ventilation and indoor air quality code.

10-2-2: FIRE CODE:

- A. International Fire Code Adopted: The 2006 international fire code is hereby adopted in its entirety for the purpose of describing regulations governing conditions hazardous to life and property, fire, or explosion.
- B. Applicability:
 - 1. The provisions of this section shall apply to all commercial buildings constructed or developed within the city limits, when the buildings will be served by water mains and fire hydrants capable of delivering the required fire flow and installed as required by this section, unless specifically exempted by this section, or unless waived or modified by the fire marshal.
 - 2. Decisions of the fire marshal are deemed to be made in the best interest of, and with the concurrence of, an affected fire district in the absence of any credible evidence to the contrary.

10-2-3: BUILDING OFFICIAL: It is the duty of the building official to administer and enforce this article. If the building official finds that any of the provisions of this article are being violated, the person responsible for such violations shall be notified in writing indicating the nature of the violation and ordering the action necessary to correct such violation. The building official shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes to buildings; discontinuance of any illegal work being done; or take any other action necessary to ensure compliance with or to prevent violations of the provisions of this article.

10-2-4: BUILDING PERMITS AND FEES:

- A. Permit Requirements:
 - 1. Permit Required: No building or other structure may be erected, moved, added to, or structurally altered without a permit issued by the building official. No building permit may be issued except in conformity with the provisions of this title.
 - 2. Application and Accompanying Documents: All applications for building permits must be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building or alteration. The application must include such other information as lawfully may be required by the building official, including existing or proposed building or alteration;

existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this title.

3. Plans Required: One copy of the plans will be returned to the applicant by the building official after marking such copy approved or disapproved and attest to same by having signed such copy. The second copy of the plans will be retained by the building official.

4. Time Limit to Begin Work: If work described in any building permit has not begun within one hundred eighty (180) days from the date of issuance of the permit, the permit will expire, unless an extension(s) has been granted in writing by the building official for periods no more than one hundred eighty (180) days each. The permit will be canceled by the building official, and written notice must be given to the applicant.

B. Building Permit Fees:

1. The city hereby adopts by reference building permit fees, which are set forth in table 1-A of the 1997 uniform building code as amended and the building valuation data schedule as published in the most current "Building Safety Journal" of the International Code Council and are on file for inspection in the building department at the Long Beach city hall. Values of structures not listed in the schedule herein will be determined by a bid from a licensed contractor. Permit fees for work other than new construction and additions or not otherwise listed, including but not limited to alterations, remodeling, mechanical permits and demolition, shall be established by resolution of the city council.

2. Additionally, the fees for manufactured house placement are as followsⁱ:

Single wide	\$250.00
Double wide	\$350.00
Triple wide	\$450.00

C. Water and Sewer Connection: No building permits for primary use structures shall be issued without the applicant having first paid water and sewer connection fees and secured a side sewer permit.

10-2-5: CONSTRUCTION IN COMPLIANCE WITH APPROVED PLANS:

A. Building permits issued on the basis of plans and applications approved by the building official authorize only the construction set forth in such approved plans and application and no other construction.

B. Construction different than that authorized will be deemed a violation of this title and punishable as provided by Title XX, ("Crime and Punishment").

10-2-6: ACCESSORY BUILDINGS: Building permits are required for the construction of sheds and other accessory buildings equal to or greater than one hundred twenty (120) square feet in total floor area. Accessory buildings or sheds in equal to or greater than one hundred twenty (120) square feet total floor area are not be constructed prior to commencement of construction of the main building. One (1) accessory building or shed equal to or less than one hundred twenty (120) square feet total floor area may be constructed prior to commencement of construction of the main building.

10-2-7: FENCES: Building permits are required for all fence construction over six feet (6') in height. No fence on a corner lot may interfere with a driver's ability to see at an intersection as described in section 12-13-10 of title 12 (Zoning).

10-2-8: RETAINING WALLS:

- A. Building permits are required for all retaining walls over four feet (4') in height, measured from the bottom of the footing.
- B. All retaining walls over four feet (4') in height, measured from the bottom of the footing, shall be designed by a professional engineer licensed by the state of Washington.

10-2-9: SIGNS: Sign permits are required for sign installations and must comply with regulations of chapter 14 (Signs), title 12 (Zoning)ⁱⁱ.

10-2-10: REPAIRS AND MAINTENANCE: Nothing in this title prevents strengthening or restoring to a safe condition any building or part of a building declared to be unsafe by any official charged with protecting public safety.

10-2-11: INSPECTION OF IMPROVEMENTS: Prior to signing off the final inspection, the building official will inspect all improvements on or adjacent to the site installed as a requirement of this title or as a condition of permit. Any improvements found to be damaged by the builder must be repaired prior to receiving final inspection sign off.

10-2-12: CERTIFICATE OF OCCUPANCY: No Certificate of Occupancy shall be issued until and unless water and sewer connections are completed to the satisfaction of the city water and sewer supervisor, and all improvements required by the development approval are completed. However, completion of improvements may be deferred, provided a security agreement is executed according to requirements of section 11-1-10 of title 11 (Unified Development) and a surety bond equal to one hundred fifty percent (150%) of the cost of

completing the work is posted with the city. The Certificate of Occupancy may be revoked if the water and/or sewer service is disconnected or unavailable. Issuance of a Certificate of Occupancy shall not be construed to warrant or otherwise represent any opinion as to the quality of construction of any structure, suitability of any structure for any purpose, or the existence or reliability of any utility.

CHAPTER 3

MANUFACTURED HOMES AND PARKS; RECREATIONAL VEHICLE PARKS

Section:

- 10-3-1 Recreation vehicles; restrictions
- 10-3-2 Recreational vehicle parks; requirements
- 10-3-3 Manufactured home regulations
- 10-3-4 Manufactured home parks; requirements
- 10-3-5 Violations; investigation
- 10-3-6 Violations; penalties

10-3-1: RECREATIONAL VEHICLES; RESTRICTIONS:

- A. Parking Restrictions: No person shall park and occupy a recreational vehicle (RV) within the corporate limits of the city, except within a duly licensed RV park or as permitted by section 12-11-5 of title 12 (Zoning) of this code.
- B. Applicability: This prohibition shall extend to all public streets and ways, and to private property within the city limits.

10-3-2: RECREATIONAL VEHICLE PARKS; REQUIREMENTS:

- A. Water, Sanitary Facilities; Health Requirements: Each RV park shall provide adequate water and sanitary facilities for the occupants thereof in accordance with the health requirements as set forth by the state of Washington and Pacific County public health district.
- B. Sewer Connection; Holding Tanks: Recreational vehicles may be connected to the city sewer system during the period of residence. Holding tanks with chemically treated waste shall not be dumped into the city sewer system.
- C. Development Standards: RV parks shall also be subject to the requirements of section 12-11-19 of title 12 (Zoning).

10-3-3: MANUFACTURED HOME REGULATIONS:

- A. Regulations and Requirements:
 - 1. Location: Manufactured homes may be placed in any zone district where permitted subject to compliance with all requirements of the zone district in which they are located.

Where applicable, manufactured homes shall comply with design requirements of chapter 10 (Design Review Criteria), title 12 (Zoning).

2. Width: Manufactured homes shall be at least twelve feet (12') wide.
3. Age: No manufactured home shall be older than three (3) years at the time of placement, except within an established manufactured home park.
4. Construction Standards: Any manufactured home established in the city shall be a modern manufactured home, containing flush type toilet and other sanitary facilities. Such manufactured home shall bear a tag or seal of approval of the state of Washington. All construction and all installation of heating, plumbing, gas piping, electrical equipment and wiring shall be in compliance with state of Washington statutes and standards as they presently exist or as they may be amended and regulations made pursuant thereto. Every manufactured home shall likewise comply in construction with the building code of the city.
5. Improvements; Building Permit Required: All building improvements on a lot or parcel or land necessary to establish any manufactured home may be permitted only by obtaining a building permit from the city, provided that such a permit would be required from the owner of a conventional and fixed residence in the zone where the manufactured home is located or is to be established.
 - a. Placement fees for manufactured homes shall be paid as set forth in section 10-2-4(B)(2) of this title.
6. Foundation Required: A manufactured home shall be placed upon a continuous cement or concrete block foundation constructed in accordance with requirements of the city's adopted building code.
7. Supports: Manufactured homes shall be supported by masonry or concrete. Metal stands shall not be used. Supports shall be placed as per the manufacturer's specifications.
8. Running Gear: All running gear including road lights, towing tongue, axle, and wheels shall be removed from exterior view. A manufactured home shall be skirted between the floor and the ground.
9. Energy Code: A manufactured home shall be thermally equivalent to the requirements of the state energy code.
10. Mobile Homes: Pre-existing mobile homes shall be maintained in conformance with the requirements of this section.

10-3-4: MANUFACTURED HOME PARKS; REQUIREMENTS:

- A. Governing Provisions: All requirements for manufactured homes as stated in section 10-3-3 of this chapter shall be met; except, where in conflict with this section, in which case this section shall govern.
- B. Development Standards: Manufactured home parks shall also be subject to the requirements of section 12-11-20 of title 12 (Zoning).
- C. Improvements: Building Permit Required: All building improvements on a lot or parcel or land necessary to establish any manufactured home may be permitted only by obtaining a building permit from the city, provided that such a permit would be required from the owner of a conventional and fixed residence in the zone where the manufactured home is located or is to be established.
- D. Fire Department Access Between Manufactured Homes: There shall be a minimum setback of ten feet (10') between manufactured homes. Landings and stairs projecting no more than three feet (3') from each unit shall be allowed to project into the setback area. The setback area shall be kept otherwise free and clear of structures, for purposes of fire department access.

10-3-5: VIOLATIONS, INVESTIGATION: The city administrator or his authorized agent shall investigate any charge of violation of this title brought to the city administrator's attention. Upon verifying a violation of this title, the city administrator shall serve notice to the property owner to comply with city building regulations. The city administrator or his authorized agent shall inspect the premises after serving notice of violation and, if the violation is still in effect, may take any action authorized in Title 14 (Penalties).

10-3-6: VIOLATIONS, PENALTIES: Penalties for violations of this chapter shall be assessed and enforced pursuant to Title 14 (Penalties).

CHAPTER 4

FLOOD DAMAGE PREVENTION

Section:

10-4-1	Authorization, purpose and objectives
10-4-2	Interpretation
10-4-3	Lands to which chapter applies
10-4-4	Basis for establishing areas of special flood hazard
10-4-5	Local administrator
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10-4-17	Violations; investigation
10-4-18	Violations; penalties

10-4-1: AUTHORIZATION, PURPOSE AND OBJECTIVES:

- A. Statutory Authorization: The legislature of the state of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.
- B. Findings of Fact:
1. The flood hazard areas of Long Beach 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 which have the potential to adversely affect the public health, safety, and general welfare.
 2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

- C. Statement of Purpose: It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
 2. Maximize benefit from expenditure of public money;
 3. Minimize the need for rescue and relief efforts associated with flooding;
 4. Avoid or minimize prolonged business interruptions;
 5. Avoid or minimize damage to public facilities and infrastructure located in areas of special flood hazard;
 6. Help maintain a stable tax base by providing for sound use and development of areas of special flood hazard so as to avoid or minimize future flood damage;
 7. Ensure potential buyers are notified that property is in an area of special flood hazard; and
 8. Ensure those who occupy areas of special flood hazard assume responsibility for their actions.
- D. Methods of Reducing Flood Losses: In order to accomplish its purposes, this chapter includes methods and provisions for:
1. Restricting or prohibiting uses that are 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 uses vulnerable to floods, including facilities which serve such uses, 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 construction of flood barriers that could divert floodwaters from their natural course or may increase flood hazards in other areas.

10-4-2: INTERPRETATION: In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

10-4-3: LANDS TO WHICH CHAPTER APPLIES: This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

10-4-4: BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD: The areas of special flood hazard identified by the federal insurance administration in a scientific and engineering report entitled "The Flood Insurance Study For The City of Long Beach" dated February 1979, and any revisions thereto, with an accompanying flood insurance rate map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at Long Beach city hall, 115 Bolstad West, Long Beach, WA, and the FIRM can be viewed via the City's GIS system found by following the GIS link at longbeachwa.gov. The best available information for flood hazard area identification as outlined in subsection 10-4-5B2 of this chapter shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under subsection 10-4-5B2 of this chapter.

10-4-5: LOCAL ADMINISTRATOR:

- A. Appointment: The city administrator is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The city administrator may authorize a designee to implement this chapter or any portion thereof.
- B. Duties And Responsibilities: Duties of the local administrator shall include, but not be limited to:
 - 1. Permit Review:
 - a. Review all development permits to determine that permit requirements of this chapter have been satisfied.
 - b. Review all development permits to determine all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

- c. Review all development permits to determine if proposed development is located in the floodway. If located in the floodway, assure that encroachment provisions of subsection 10-4-10A of this chapter are met.
 2. Use of Other Base Flood Data (in A and V zones): When base flood elevation data have not been provided (A and V zones) in accordance with section 10-4-4 of this chapter, the local administrator 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 sections 10-4-9 and 10-4-11 of this chapter.
 3. Information to be Obtained and Maintained:
 - a. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection B2 of this section, 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 structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in subsection B2 of this section:
 - i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - ii. Maintain the floodproofing certifications required in subsection 10-4-6B3 of this chapter.
 - c. Maintain for public inspection all records pertaining to provisions of this chapter.
- C. Alteration of Watercourses:
 1. Notify adjacent communities and the department of ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal insurance administration.
 2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- D. Interpretation of FIRM Boundaries: Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (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 subsections 10-4-14A and B of this chapter.

10-4-6: DEVELOPMENT PERMIT:

- A. Permit Required: A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 10-4-4 of this chapter. The permit shall be for all structures including "manufactured homes", as set forth in chapter 1 of this title, and for all "development", including fill and other activities, also as set forth in the definitions, section 10-1-1 of this chapter.

- B. Application for Development Permit: Application for a development permit shall be made on forms furnished by the city and shall include and not be limited to the following: 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, and drainage facilities. Specifically, the following information is required:
 - 1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - 2. Elevation to which any structure has been floodproofed relative to mean sea level;
 - 3. Certification by a registered professional engineer or architect that floodproofing methods for any nonresidential structure meet floodproofing criteria in subsection 10-4-8 of this chapter; and
 - 4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

10-4-7: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION: In all areas of special flood hazard, the following standards are required:

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

- B. AH Zone Drainage: Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

- C. 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.

D. Utilities:

1. All new and replacement water supply systems shall be designed to avoid or minimize infiltration of floodwaters into the systems;
2. Any proposed water well shall be located on high ground that is not in the floodway (Washington administrative code 173-160-171);
3. New and replacement sanitary sewage systems shall be designed to avoid or minimize infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and
4. On site waste disposal systems shall be located to avoid impairment of them or contamination from them during flooding.

E. Subdivision Proposals:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

- F. Review of Building Permits: Where elevation data are not available either through the flood insurance study, FIRM, or from another authoritative source (subsection 10-4-4 of this chapter), applications for building 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, etc., where available. Failure to elevate at least two feet (2') above the highest adjacent grade in these zones may result in higher insurance rates.

10-4-8: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION: In all areas of special flood hazard where base flood elevation data have been provided as set forth in section 10-4-4 of this chapter, the following provisions are required:

A. Residential Construction:

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot (1') above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two (2) 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 on different sides of each enclosed area.
 - b. The bottom of all openings shall be a maximum of one foot (1') above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided such openings allow automatic entry and exit of floodwaters.
 - d. The interior grade of a crawlspace below the base flood elevation shall not be more than two feet (2') below the lowest adjacent exterior grade.
 - e. The height of a below-grade crawl space, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall shall not exceed four feet (4') at any point.

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 a minimum of one foot (1') above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that beneath one foot (1') above base flood level the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. Be certified by a registered professional engineer or architect that proposed design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection, based on the engineer's or architect's development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection 10-4-5B3b of this chapter.
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection A2 of this section.
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as 1 foot [1'] below).
6. Any below grade crawlspace must comply with subsection 10-4-8A2d and e of this title.

C. Manufactured Homes:

1. All manufactured homes to be placed or substantially improved 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 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 a minimum of one foot (1') above the base flood elevation and be securely anchored to an adequately designed 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 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 a minimum of one foot (1') 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 than thirty six

- inches (36") in height above grade and are securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
3. Any below grade crawlspace must comply with subsection 10-4-8A2d and e of this title.

D. **Recreational Vehicles:** Recreational vehicles placed on sites are required to:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; and
2. Be fully licensed and ready for highway use, on its wheels or jacking system, be 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 subsection C of this section and the elevation and anchoring requirements for manufactured homes per subsection 10-4-7A2 of this chapter.

10-4-9: REGULATORY FLOODWAY NOT DESIGNATED: In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated 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 (1') at any point within the community.

10-4-10: AREAS DESIGNATED AS FLOODWAYS: Located within areas of special flood hazard established in section 10-4-4 of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris and potential projectiles, and which have erosion potential, the following provisions apply:

- A. **Encroachments Prohibited:** Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed encroachment would not result in any increase in flood levels during the base flood discharge.
- B. **Construction or Reconstruction Prohibited:** 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 (50%) 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 shall not be included in the fifty percent (50%).

- C. Compliance with Certain Provisions: If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sections 10-4-7 through 10-4-13 of this chapter.

10-4-11: STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES): 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 (1' to 3') aboveground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- A. Residential Structures and Manufactured Homes: New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure a minimum of one foot (1') above the depth number specified in feet on the community's FIRM (at least two feet [2'] above the highest adjacent grade to the structure if no depth number is specified).
- B. Nonresidential Structures: New construction and substantial improvements of nonresidential structures within AO zones shall either:
1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site a minimum of one foot (1') or more above the depth number specified on the FIRM (at least 2 feet if no depth number is specified); or
 2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the FIRM depth 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 subsection 10-4-8B3 of this chapter.
- C. Drainage: Adequate drainage paths shall be placed around structures on slopes to guide floodwaters around and away from proposed structures.
- D. Recreational Vehicles: Recreational vehicles placed on sites within AO zones on the community's FIRM are required to:
1. Be on the site for fewer than one hundred eighty (180) consecutive days; and

2. Be fully licensed and ready for highway use, on its wheels or jacking system, be 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 subsections A and C of this section and the anchoring requirements for manufactured homes (subsection 10-4-7A2 of this chapter).

10-4-12: COASTAL HIGH HAZARD AREAS: Located within areas of special flood hazard established in section 10-4-4 of this chapter 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 chapter, the following provisions shall also apply:

A. Design and Method of Construction:

1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot (1') above the base flood level; and
 - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement resulting from wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent (1%) chance of being equaled or exceeded in any given year (a one in one hundred chance, based on the 100-year mean recurrence interval as defined in chapter 1 of this title).
2. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for construction, and shall certify the design and methods of construction to be used are in accordance with accepted standards of practice for meeting provisions of subsection A1 of this section.

B. Record of Elevation: 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 each new and substantially improved structure in zones V1-30, VE, and V on the community's FIRM, and ascertain whether or not each structure contains a basement. The city administrator shall maintain a record of all such information.

C. Location: 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.

D. Breakaway Walls:

1. All new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM shall have the space below the lowest floor either free of obstructions or constructed with non-supporting 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 ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (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 the design as 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 nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent (1%) chance of being equaled or exceeded in any given year (a one in one hundred chance, based on the 100-year mean recurrence interval as defined in chapter 1 of this title).

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

E. Fill Prohibited: Use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM shall be prohibited.

F. Alteration of Sand Dunes Prohibited: Manmade alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage shall be prohibited.

G. Manufactured Homes: All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites located:

1. Outside of a manufactured home park or subdivision;

2. In a new manufactured home park or subdivision;

3. In an expansion to an existing manufactured home park or subdivision; or

4. 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 standards of subsections A through F of this section. 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 requirements of subsection 10-3-4 of this chapter.

- H. Recreational Vehicles: RVs placed on sites within zones V1-30, V, and VE on the community's FIRM are required to:
1. Be on the site for fewer than one hundred eighty (180) consecutive days; and
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, be 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 subsection 10-4-7A2 of this chapter, and subsections A through F of this section.

10-4-13: CONSTRUCTION OF NEW CRITICAL FACILITIES:

- A. Location: Construction of new critical facilities shall be, to the extent feasible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain).
- B. Site: Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available.
- C. Lowest Floor Elevation: Critical facilities constructed within the SFHA shall have the lowest floor elevated a minimum three feet (3') above the base flood level 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.
- D. Floodproofing and Sealing: Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.
- E. Access Routes: Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

10-4-14: APPEALS AND VARIANCE: The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.

- A. Consideration of Appeals and Variances: 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

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. 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.

B. Appeals:

1. 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 local administrator in the enforcement or administration of this chapter.
2. Those aggrieved by the decision of the local administrator may appeal such decision to the hearing examiner as provided in section 11-2C-14 of title 11 (Unified Development).

C. Variances:

1. The hearing examiner shall have the authority to grant a variance from provisions of this chapter when conditions as set forth in this section have been found to exist; provided, that any variance granted shall be subject to conditions that will assure that adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with limitations upon other property in the vicinity and zone in which the subject

property is situated. Variances shall be considered according to the procedures set forth in section 11-2D-1 of title 11 (Unified Development), except the required showings shall be as set forth in subsection C6 of this section.

2. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided items in subsections A1 through A11 of this section have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

3. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

4. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

5. Variances shall only be issued upon a determination a variance is the minimum necessary, considering the flood hazard, to afford relief.

6. Variances shall only be issued upon:

- a. A showing of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- c. 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.

7. Upon consideration of the factors of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of variances as the examiner deems necessary to further the purposes of this chapter.

8. 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; and they primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

9. 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 subsection C2 of this section, and otherwise complies with subsections 10-4-7A, C, and D of this chapter.

10. Any applicant to whom a variance is granted shall be given written notice 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.

D. Procedure for Approval of Variance:

1. Application: A request for a variance may be initiated by a property owner or his/her authorized agent by filing an application with the city on forms prescribed by the city. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and its relationship to the surrounding property, a survey including the property boundaries and topography, and a written narrative describing the relief that is requested and a statement of how the applicant believes the standards of this section are met. Each application shall be accompanied by a receipt indicating payment of fees, as established by the city council.

2. Notice of Application: Notice of application shall be provided as set forth in section 11-2C-9 of title 11 (Unified Development).

3. Public Hearing: Before a request for a variance is acted upon, it shall be considered at a public hearing.

4. Notice of Public Hearing: Notice of public hearing shall be provided as set forth in section 11-2C-11D of title 11 (Unified Development).

5. Recess of Hearing: The hearing examiner may recess a hearing regarding a request for a variance in order to obtain additional information. Upon recessing for this purpose, the hearing examiner shall announce the time and date when the hearing will be resumed.

6. Final Action:

a. The hearing examiner shall cause written notification of his action to be mailed to the applicant for a variance within ten (10) days after the decision has been rendered.

b. The local administrator shall maintain the records of all actions and report any variances to the federal insurance administration upon request.

c. The applicant or any other aggrieved party with standing in the matter may appeal the decision of the hearing examiner to city council in accordance with the provisions of section 11-2C-14 of title 11 (Unified Development).

10-4-15: 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 ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10-4-16: 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 the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall 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.

10-4-17: VIOLATIONS, INVESTIGATION: The city administrator or his authorized agent shall investigate any charge of violation of this title brought to the city administrator's attention. Upon verifying a violation of this title, the city administrator shall serve notice to the property owner to comply with city building regulations. The city administrator or his authorized agent shall inspect the premises after serving notice of violation and, if the violation is still in effect, may take any action authorized in Title 14 (Penalties).

10-4-18: VIOLATIONS, PENALTIES: Penalties for violations of this chapter shall be assessed and enforced pursuant to Title 14 (Penalties).

CHAPTER 5

TRANSPORTATION SERVICE STANDARDS

Section:

10-5-1	Authority and purpose
10-5-2	Findings of concurrency
10-5-3	Level of service standards
10-5-4	Concurrency test
10-5-5	Exemptions from concurrency test
10-5-6	Building permits; finding of concurrency
10-5-7	Fees
10-5-8	Concurrency system
10-5-9	Monitoring transportation system
10-5-10	Intergovernmental coordination
10-5-11	Appeals

10-5-1: AUTHORITY AND PURPOSE:

- A. Authority: This chapter is enacted pursuant to the city's powers as a code city, article XI, section 10 of the Washington state constitution; Revised Code of Washington chapter 35A; the growth management act, Revised Code of Washington chapter 36.70A, generally; and Revised Code of Washington 36.70A.070 specifically.
- B. Purpose: It is the purpose of this chapter:
1. To ensure adequate levels of service on transportation facilities for existing land uses as well as new development.
 2. To provide transportation facilities that achieve and maintain the city's level of service standards as established in the city comprehensive plan; and
 3. To ensure that the city's level of service standards are achieved concurrently with development as required by the growth management act.

10-5-2: FINDINGS OF CONCURRENCY:

- A. Determination of Necessity; Financial Commitments: Prior to approving proposed subdivisions, dedications, short plats, short subdivisions, planned residential developments, or binding site plans, the reviewing authority shall make written findings that public facilities which will be needed as a result of the new development, such as streets, roads and other public ways, will be provided concurrent with development. For

all other development applications listed above, the concurrency finding shall be made prior to the issuance of the building permit. The concurrency requirement is satisfied if the improvements are in place at the time the impacts of development occur, or if the necessary financial commitments are in place. Such financial commitments shall include and are not limited to impact fees anticipated to be generated by the development to complete improvements required to meet specified standards of service designed in the transportation study within six (6) years of the time of building permit issuance. Any combination of the following shall constitute "necessary financial commitments" for the purposes of this chapter:

1. The city has received voter approval of and/or has bonding authority;
2. The city has received approval for federal, state or other funds;
3. The city has received a secured commitment from a fee payer ensuring the payer will construct the needed improvement(s) or facility and the city has found such improvement(s) or facility to be acceptable and consistent with its capital facilities plan; and/or
4. The city has other assured funding, including and not limited to impact fees that have been paid.

B. Compliance with Statutes; Time of Making Findings:

1. Compliance with this concurrency requirement shall be sufficient to satisfy the provisions of Revised Code of Washington 58.17.060 and 58.17.110, and the actⁱⁱ.
2. The finding of concurrency shall be made at the time of preliminary plans or planned residential development (PRD) approval or at the time of binding site plan approval.
3. For all other development applications, the finding shall be made at the time of building permit issuance.

C. Application Approval: The city shall not approve applications for preliminary plats, PRDs or binding site plans unless the city is able to make a finding of concurrency; provided, that, if the fee payer opts to dedicate land, to provide improvements, and/or construction consistent with the requirements of section 10-5-4 of this chapter governing credits, where appropriate, the city can make a finding of concurrency.

D. Term of Validity:

1. A finding of concurrency provided to the applicant at the time of preliminary plat or PRD approval, or at the time of binding site plan approval, shall be valid for a period of three (3) years from the date concurrency is issued.

2. If, pursuant to law, an applicant requests an extension of the three (3) year period between the date of preliminary and final plat or PRD approval, the applicant shall be subject to a new concurrency determination prior to the granting of a request for an extension.

E. Exemption; City Options:

1. If any party for any reason is able to exempt itself from the operation of this chapter, the city reserves the right to review its land use plan in conjunction with its capital facilities plan in order to ensure concurrency.

2. In the event that the impact fees that might have been paid would have been an integral part of the financing to ensure concurrency, the city reserves the right to deny approval for the development on these grounds.

10-5-3: LEVEL OF SERVICE STANDARDS:

A. Comprehensive Plan Controls: The following level of service (LOS) standards, established in the city comprehensive plan, are hereby adopted for the purposes of this chapter. If a conflict arises between a LOS standard identified in this chapter and a standard identified in the comprehensive plan, the LOS standard in the comprehensive plan shall control.

The Southwest Washington regional transportation planning organization (RTPO) adopted the following LOS standards based on the 1985 highway capacity manual for the region:

- C - roads in rural areas
- D - within the city limits

B. City and City Area Arterials and Collectors: LOS standards are applied to the city's arterials and collectors as follows:

LEVEL OF SERVICE (ROADWAYS AND PATHWAYS)

Route	Existing LOS by Route Type		Proposed LOS by Route Type	
	Vehicular (Road)	Non-vehicular (Path)	Vehicular (Road)	Non-vehicular (Path)
SR 103	C	B	D	B
Sandridge	C	NP	D	C
Pioneer Road	C	NP	D	C
S. Tenth Street	C	C	D	B
S. Boulevard	C	D	D	B
N. Boulevard	C	D	D	B

Road: Section of the route for motorists and vehicular traffic

Path: Section of the route for non-vehicular traffic (pedestrians, equestrians, wheel chairs, etc.)

NP: No existing pathway/boulevard

10-5-4: CONCURRENCY TEST:

- A. Except as provided for in subsection 10-5-5A of this chapter, the test for concurrency shall be conducted as a part of the building permit application.
- B. The city may conduct an alternative concurrency test for the applications identified in subsection 10-5-5B of this chapter and through the process set forth in that subsection.
- C. The test for concurrency shall be conducted in the order in which the completed building permit application is received.
- D. The concurrency test shall be performed only for the specific property use(s), residential density(ies) and intensity(ies) of the use(s) described on the building permit application. The applicant shall describe the proposed development in a manner adequate for the city to determine the peak hour traffic which is likely to be generated by the proposed development. The applicant shall also provide to the city a legal description of the property. Revisions to the proposed development that may create additional impacts on transportation facilities shall be required to undergo an additional concurrency test.
- E. In conducting the concurrency test, the city shall use the trip generation tables set forth in the latest edition of the Institute of Transportation Engineers (ITE), information report - trip generation. The presumption is that rates used by the city are accurate unless proven otherwise.
- F. If the applicant pays the fees identified in section 10-5-7 of this chapter, the applicant may submit a calculation of alternative trip generation rates for the proposed development. The city shall review the alternate calculations and indicate in writing whether such calculations are acceptable in lieu of standard ITE trip generation rates.
- G. The city may adjust the trip generation forecast of the proposed development in order to account for any transportation strategies proposed by the applicant and acceptable to the city.
- H. The city shall not make a finding of concurrency as a part of the issuance of a building permit if the proposed development will result in transportation facilities declining below adopted LOS standards. If the LOS of the transportation facilities meets or exceeds the adopted LOS standards, the concurrency test is passed, and the city shall make a finding of concurrency.

10-5-5: EXEMPTIONS FROM CONCURRENCY TEST:

- A. The following applications for a building permit shall be exempt from the concurrency test. This exemption from the concurrency test does not exempt the applicant from other applicable development code requirements.
 - 1. Any proposed development that creates no additional impacts on any transportation facility;
 - 2. Any project that is a component of another proposed development and that was included in a prior application for a finding of concurrency;
 - 3. Any renewal of a previously issued but unexpired permit;
 - 4. Any application for a residential building permit if the dwelling unit is a part of a subdivision or short plat that submitted an application after 1990 and that has undergone the analysis mandated by the state subdivision act, Revised Code of Washington 58.17.060 or 58.17.110; and
- B. The following applications for a building permit must be accompanied by a traffic impact analysis study prepared by the applicant:
 - 1. Development that generates fifty (50) or more vehicle trips in the peak direction of the peak hour on the adjacent streets and intersections; or
 - 2. Development that generates twenty five percent (25%) or more of peak hour traffic through a signalized intersection or the critical movement at an unsignalized intersection.

A traffic impact report prepared for preliminary development approval or to supplement an environmental checklist may be substituted for the traffic impact analysis. Such traffic impact report must conform with guidelines referred to in this section, must be prepared no earlier than two (2) years before submitted, and must include an analysis of a traffic generation level not less than ninety percent (90%) of that to be generated by the proposed development.

10-5-6: BUILDING PERMITS; FINDING OF CONCURRENCY:

- A. The city shall make a finding of concurrency for each building permit application that passes the concurrency test.
- B. The finding of concurrency shall be valid for the same time period as the underlying building permit, including any extensions thereof.
- C. A finding of concurrency shall expire or be revoked if the underlying building permit

expires or is revoked by the city.

- D. A finding of concurrency accompanying a building permit for a particular parcel of property may be used by the heirs, executors, successors, or assigns of the original applicant.
- E. All building permits that require one or more transportation facilities to be provided by the applicant shall be and are hereby conditioned upon an appropriate financial commitment by the applicant which is binding upon subsequent owners, heirs, executors, successors, or assigns, and upon the completion of such transportation facilities in a timely manner, prior to the issuance of the certificate of occupancy or prior to occupancy, unless stated otherwise in writing by the city.

10-5-7: FEES: If the applicant requests an alternative calculation for the concurrency test, or if the city determines that an alternative calculation is required due to the size, scale, or other unusual characteristics of the proposed development, a fee for the alternative calculation shall be paid by the applicant prior to the initiation of review. The fee for conducting the review of the alternative calculation shall be two hundred dollars (\$200.00), unless otherwise established by the city administrator.

10-5-8: CONCURRENCY SYSTEM:

- A. The city will provide, or arrange for others to provide, adequate transportation facilities by constructing needed transportation facilities and implementing transportation strategies within the six (6) year horizon line that:

1. Eliminate LOS deficiencies for existing uses;
2. Achieve LOS standards for anticipated future development and redevelopment resulting from previously issued building permits; and
3. Maintain existing facilities and repair or replace obsolete or worn out facilities.

Improvements to transportation facilities and transportation strategies shall be consistent with the city comprehensive plan.

- B. The city shall allocate sufficient funds during the appropriate fiscal year to meet the financial commitment for all transportation facilities required to meet LOS standards, except the city may omit from its budget any capital improvements for which a binding agreement has been executed with another party.

10-5-9: MONITORING TRANSPORTATION SYSTEM: The city shall, on an annual basis, review and update its capital facilities plan and transportation element and shall identify those

facilities necessary to achieve transportation concurrency. At a minimum, this review will include updates, as needed, to the city's traffic model, a comparison of actual and forecast traffic volumes, and an examination of conformance with the adopted level of service standards. In addition to annual reviews, emergency review of the concurrency management system shall be conducted whenever traffic analysis reveals that fifty percent (50%) of the projected six (6) year capacity of any transportation facility or concurrency district has been assigned in any one year.

10-5-10: INTERGOVERNMENTAL COORDINATION:

- A. The city may enter into agreements with other local governments, transit districts, and the state of Washington to coordinate imposition of LOS service standards, collection of impact fees, and implementation of transportation strategies.
- B. The city may apply LOS standards, fees, and other mitigation measures to developments in the city that impact other local governments and the state of Washington. Development permits issued by the city may include conditions and mitigation measures to be imposed on behalf of and implemented by other local governments and the state of Washington.
- C. The city may receive impact fees or other mitigation payments based on or as a result of development proposed in other jurisdictions that impact the city. The city may agree to accept such payments or may coordinate with other jurisdictions to implement the appropriate mitigation measures.

10-5-11: APPEALS:

- A. Any applicant or any other aggrieved party with standing in the matter may appeal the approval or the denial of a finding of concurrency pursuant to the procedures and requirements of section 11-2C-14, title 11(unified development), and by paying the applicable appeals fee.
- B. The appeal on a finding of nonconcurrency will not be conducted if the applicant refuses to pay the transportation impact fees required by the city unified development code. However, such appeal shall be conducted if the full fees owing are paid under protest.

ⁱSee also title 10, chapter 3 and title 12, chapters 11 and 16 of this code.

ⁱⁱRCW ch. 58.17.