

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, April 2, 2025, 6:00 p.m.

The Planning Commission will conduct a regularly scheduled meeting in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362 and by Zoom, meeting number 857 7304 5582 with passcode 12345. Materials regarding past and upcoming meetings are available at: <https://clallamcountywa.gov/meetings>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES:**
- F. ANNOUNCEMENTS:**
- G. PUBLIC COMMENT on AGENDA ITEMS (not subject of hearing) – Please Limit Comments to Three Minutes**
- H. UNFINISHED BUSINESS:** Continued discussion on RV regulations and definitions
- I. PUBLIC HEARING/COMMISSION ACTION:**
- J. WORK SESSION ITEMS:** Review of Floodplain Management Ordinance
- K. PUBLIC COMMENT – Please Limit Comments to Three Minutes**
- L. DISCUSSION OF PUBLIC COMMENTS**
- M. GOOD OF THE ORDER**
- N. ADJOURNMENT**

Members:

Chair, Steve Gale & Vice-Chair, Ron Long
Bonnie Booth; Thomas Butler; Katina Hester;
Kenneth Reandeau; Jane Hielman; Dann May; Warren Billups
Department of Community Development Staff:
Tim Havel, Deputy Director; Bruce Emery, Director

MINUTES

Clallam County Planning Commission

Meeting of March 19, 2025, 6:00 PM

- A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Steve Gale, Tom Butler, Ken Reandeau, Katina Hester, Dann May, Bonnie Booth, and Warren Billups. Jane Hielman did attend virtually but missed the roll call. Donella Clark, Principal Planner, Tim Havel, Deputy Director of Community Development, Pam Rushton, Clallam County Auditor and Pamela McCarter, Public Benefit Administrator represented staff.
- D. WELCOME: Chair Gale welcomed all in attendance.
- E. APPROVAL OF MINUTES: Dann May made a motion to approve the minutes and Ken Reandeau seconded.
- F. ANNOUNCEMENTS: Welcomed our newest member Warren Billups filling the District 2 vacancy. Board of County Commissioners will be reviewing an emergency ordinance that DCD will be concurrently bringing to the Planning Commission regarding floodplain management; the emergency ordinance is necessary to meet the deadlines to adopt the new FIRM maps issued by FEMA and ensure continued participation in FEMA's National Flood Insurance Program (NFIP).
- G. PUBLIC COMMENT PERIOD: A number of people made comments and asked questions regarding the Open Space Program and taxes. Pam Rushton and Donella Clark provided clarifying comments and answered questions regarding the program and taxes.
- H. UNFINISHED BUSINESS: None
- I. PUBLIC HEARING ITEM: The Planning Commission discussed the proposed code and opened the public hearing. Audience members continued to ask questions regarding open space and taxes and staff provided information. Some minor modifications were requested for staff to make. The Planning Commission requested to continue the public hearing now that the public better understood the program until April 16, 2025, requesting that written comment be provided by April 9th.
- J. WORK SESSION ITEMS: None
- K. PUBLIC COMMENT PERIOD: None
- L. DISCUSSION OF PUBLIC COMMENTS: Commissioner Gale reiterated that the Planning Commission wants the open space code to reflect the comments of the public.
- M. GOOD OF THE ORDER: None
- N. ADJOURNMENT: The meeting adjourned at __8:05__ p.m.



CLALLAM COUNTY
Department of Community Development
County Courthouse
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Memorandum

Date: March 26, 2025
To: Clallam County Planning Commission
From: Bruce Emery, Director
Re: Draft RV Use Code Amendments

Discussion

During the March 5th meeting, the Planning Commission raised several concerns regarding the draft RV Use Code Amendments, including:

- RVs should have up-to-date licensing and be movable within two days.
- Citing "General Welfare" as a legitimate impact.
- Placement for occupancy or partial occupancy beyond 30-days should require hookup to sewer, water, power.
- The Commission wanted to review the past draft RV Ordinance for discussion.

Enclosed is a revised Draft Ordinance that includes a new Chapter 33.58, CCC, that includes citing and occupancy criteria for RVs that are placed for more than 30-days (page 5). Included is the provision sewer/septic, water and power hookup. Also included are requirements for the RV to be licensed and in working order, and that the RV must be placed outside of structural setbacks or critical areas/buffers. The new section also only allows one RV to be occupied but does make allowance for two RVs to be on the property.

I believe that the current changes address a majority of the concerns raised during the March 5th meeting. I have also included a copy of the prior draft ordinance as requested to help with discussion. On a related note, the legislation that was being considered this year at the state level concerning RV use has been discontinued—presumably due to priorities shifting to the state's budget crisis. I look forward to our continued discussion on this matter.

If you have any questions regarding this information, please contact me at 360-417-2323 or at bruce.emery@clallamcountywa.gov. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Emery".

Bruce Emery, Director
Clallam County DCD

Draft RV Use Code Amendments
Draft March 26, 2025

The following are excerpts from the Clallam County Code related directly or indirectly to residential use of RVs. The proposed changes shown herein are intended to clarify the County's position on uses of recreational vehicles.

Definitions, Section 33.03.010, CCC.

(14) "Building" means any structure utilized or intended for supporting or sheltering any use or occupancy.

(354) "Dwelling uUnit" means any building or any portion thereof which is ~~Lawfully established~~intended ~~and/or~~ designed to be used, rented, leased, let or hired out to be occupied for living purposes having independent living facilities for one or more persons ~~one family~~ including permanent provisions for living, sleeping, eating, cooking, sanitation and including accessory structures and improvements.

(5452) "Lodges" means any ~~structure~~permanent building, constructed and approved in accordance with Chapters 21.01 and 21.02, CCC, accommodating an organization which is operated not-for-profit where entrance to the premises is contingent upon the payment of a monthly or yearly fee.

(91) "Recreational Park Trailer" or "Park Model Recreational Vehicle" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

- a) Built on a single chassis, mounted on wheels; and
- b) Having a gross trailer area not exceeding 400 square feet in the set-up mode; and
- c) Certified by the manufacturer as complying with ANSI A119.5 (WAC 296-150P-0020).

Recreational park trailers shall be placed in accordance with Chapter 21.06, CCC.

(95) "Recreational Vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle or as defined by NFPA 1192 *Standard on Recreational Vehicles*, current edition. Recreational vehicles including but not limited to: camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers (WAC 296-150R-0020).

(963) "RV park" means a parcel or portion thereof, or group of adjacent parcels or portion(s) thereof, intended or otherwise established campground for day use and

overnight accommodations by two or more recreational vehicles or two or more recreational park trailers, motor homes, travel trailers, truck campers and camping trailers.

(108) "Structure" means anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially erected or composed of parts joined together in some definite manner, but not including unroofed paved areas, fill, automobiles or recreational vehicles, or any fence less than seven feet in height.

(112) "Tiny House" or "Tiny House on Wheels," for purposes of this Title, are defined by the following two generalized categories as follows:

a) "Tiny House, Stick-Built" means a Dwelling Unit measuring no larger than 400 square feet in area and constructed in place in accordance with Section AQ102, Appendix Q, International Residential Code, as permitted and administered by the Clallam County Department of Community Development, Building Division.

b) "Tiny House" or "Tiny House on Wheels" means a modular-type unit, whether constructed on a chassis or not, constructed to State Building Code standards and bearing an insignia verifying approval by the Washington Department of Labor and Industries (L&I). Use and occupancy of a Tiny House or Tiny House on Wheels requires placement on a permanent foundation approved by the Clallam County Department of Community Development, Building Division in accordance with Title 21, CCC. Once so placed, the Tiny House is considered a Dwelling Unit.

(1194) "Vacation rental" means a legally constructed dDwelling Unit or Recreational Park Trailer established in accordance with CCC 33.51.020 and intended for occupancy of the entire dwelling (not rental of individual rooms) by any person/group other than the primary owner for periods of 30 days or less and is an allowed use in all zoning districts that allow single-family residences. Uninhabitable structures like garages, barns, or sheds, and unpermitted structures, shall not be used as vacation rentals. "Vacation rental" does not include a bed and breakfast permitted and operated in accordance with this code.

Accessory Housing, Ch 33.50, CCC.

CCC 33.50.030: The requirements listed below apply to all accessory housing:

(2) Structure Type. Accessory housing units shall be stick-built or manufactured residential units approved by the Department of Community Development, or the Washington Department of Labor and Industries, as applicable, for permanent occupancy. Accessory housing units shall not include be travel trailers, recreational vehicles, buses, truck storage containers, or similar manufactured mobile units which are not originally intended to be used for permanent residences. Structures described

~~under WAC 296-150R-0020 as "temporary living quarters" shall not be permitted or placed under the provisions of this section. If such structures are occupied for a period of 90 or more consecutive calendar days in the same location, such occupation shall be considered a violation of this chapter and subject to enforcement under Clallam County Code.~~

(4) *Recording.* To ensure continued compliance with ~~owner-occupancy and other~~ ordinance requirements by current, as well as any subsequent owners, a registration of the accessory housing unit in the form of a notice to title shall be filed and recorded with the Clallam County Auditor. The notice to title shall be on a form provided by the Administrator and filled out completely by the applicant prior to filing. The notice to title shall run with the land and serve as notice to all future purchasers/owners of the subject property of the presence of the accessory housing unit and applicable restrictions regarding accessory housing units contained in the Clallam County Code. Proof of registration, in the form of a copy of the filed document, shall be submitted to the Department of Community Development prior to issuance of a certificate of occupancy. Said registration may only be removed upon a demonstration to the Department of Community Development that the accessory housing unit has been lawfully removed from the subject property, or the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to CCC Title 29.

(6) Density. In rural zoning districts, there shall be no more than one accessory housing unit allowed per lot. In designated Urban Growth Areas, there shall be no more than two accessory housing units allowed per lot as set forth in RCW 36.70A.681.

33.50.040 Additional standards for accessory dwelling units.

(1) Size.

(a) *Size of Detached ADU.* Detached ADUs shall not exceed 50 percent of the gross floor area of the primary dwelling unit, nor exceed 1,250 square feet in gross floor area. This requirement shall not apply to any detached ADU 400 square feet or less or detached ADUs in designated Urban Growth Areas up to 1,000 square feet in gross floor area.

(b) *Size of Attached ADU.* Attached ADUs shall not exceed 35 percent of the gross floor area of the primary dwelling unit. This requirement shall not apply to any attached ADUs in designated Urban Growth Areas up to 1,000 square feet in gross floor area.

(3) Occupancy.

(a) In rural zoning districts, the owner of the parcel shall live either in the primary dwelling or ADU as their primary residence. For the purpose of this

standard, "primary residence" shall mean occupancy by the underlying property owner for no less than 120 days during a calendar year.

(b) ADUs may be used for occupation by family members, guests, renters, lessees, and estate caretakers/groundskeepers.

(c) Either the primary dwelling or ~~the one~~ ADU may be used as a vacation rental, as defined in Chapter 33.51 CCC, but not ~~more than one both~~.

(4) *Design.* ADUs shall be designed so that the appearance of the lot remains that of a single-family residential development through the following standards:

(a) In rural zoning districts, When development abuts or is accessed by a county road, all building entrances shall be located so that only one entrance faces the road frontage of the development.

(b) Unless located within a designated Urban Growth Area and within ½ mile of a major transit stop, On-site parking area shall be provided.

(c) Access for vehicle ingress and egress shall share the same legal access onto a public or private road as the primary dwelling unit and no new access shall be established for the ADU.

(d) The primary dwelling and the ADU may be no more than 300 linear feet from each other.

33.51.020 Vacation rental standards.

The dwelling and vacation rental use must comply with all County and State regulations and requirements as well as the following standards:

(2) Connection to a ~~P~~ublic ~~S~~anitary ~~S~~ewer or an ~~O~~n-~~S~~ite ~~S~~eptic ~~S~~ystem ~~T~~hat ~~C~~omplies with Chapter 41.20 CCC, On-Site Sewage Systems. If connected to an on-site septic system, the owner is responsible to ensure that the vacation rental occupancy is consistent with the design capacity of the on-site septic system and type of wastewater discharges allowed, and in compliance with on-site septic systems periodic inspection, maintenance, and reporting requirements under CCC 41.20.170.

(5) A recreational park trailer, under American National Standards Institute A119.5 standard for Park Model Recreational Vehicles, as defined by WAC 296-150P-0020, and placed in accordance with Chapter 21.06, CCC, may be used as a vacation rental subject to the requirements of this Chapter. It is incumbent on the applicant to demonstrate compliance with applicable requirements of the Washington State Department of Labor and Industries (L&I) and CCC, Chapter 21.06.

General Requirements, Chapter 33.40, CCC

33.40.100 Unauthorized Rental for Use of Structures

(1) The following are prohibited in all zoning districts in Clallam County:

- a) Unpermitted cabins or similar structures being advertised as, or otherwise being offered on, a rental or lease basis.
- b) Tiny Houses on Wheels that do not bear the proper Washington Department of Labor and Industries (L&I) compliance insignia, or that have not been properly placed in accordance with Title 21, CCC, that are being advertised as, or otherwise being offered on, a rental or lease basis.
- c) Recreational Vehicles, or service pads intended for the location of Recreational Vehicles, that are being advertised as, or otherwise being offered on, a rental or lease basis; except that Recreational Vehicles or service pads intended for the location of Recreational Vehicles located within a designated RV Park, approved under a Binding Site Plan in accordance with Title 29, CCC, are allowed in accordance with the terms of said Binding Site Plan.
- d) Any cabins or similar structures that do not meet the requirements of Title 41, CCC, that are being advertised as, or otherwise being offered on, a rental or lease basis.

(2) Any advertisement for the rental or lease of units described under Subsection (1), above, shall be considered prima facie evidence that a violation of the provisions of this Section is occurring.

(3) Any violation of the provisions of this Section shall be enforced in accordance with CCC Section 33.59.010 and CCC Title 20, as applicable.

Recreational Vehicle Placement and Occupancy, Chapter 33.58, CCC

33.58.010 Applicability

The purpose of this chapter is to protect public health, safety, and welfare of Clallam County citizens and the environment by providing standards for citing and occupancy of Recreational Vehicles for personal use on private property. Specifically, this Chapter is not intended to establish regulations on the normal recreational use of Recreational Vehicles but addresses use and occupancy of Recreational Vehicles that extend in duration beyond what is normally considered simple "recreational" use.

33.58.020 General Requirements

The placement of a Recreational Vehicle for a duration of thirty (30) days or more for purposes of occupancy or periodic occupancy shall be subject to the following requirements:

- (1) The Recreational Vehicle shall maintain current licensing, be in working order, and be movable within two days' notice.
- (2) The Recreational Vehicle shall be provided with a stable source of power, potable water supply, and means of adequate sewage disposal to the satisfaction of the Washington Department of Labor and Industries and the Clallam County Environmental Health Division. Under no circumstances shall gray or black water be discharged onto the ground or surface waters.
- (3) The vehicle shall be placed outside of structural setbacks applicable to the subject property according to its zoning designation, as well as outside of Critical Areas and their associated buffers in accordance with Chapter 27.12 and Title 35, CCC.
- (4) Except for the limited circumstances provided in Subsection (5), below, no more than one (1) Recreational Vehicle may be occupied on a parcel, and no more than two (2) recreational vehicles may be present on a parcel.

Park Model Placement, Chapter 21.06, CCC

21.06.020 Definition.

- 1) "Recreational Park Trailer" or "Park mModel Recreational Vehicle;" "recreational park trailer," or "tiny home on wheels" shall mean a trailer-type unit that has substantially lost its identity as a mobile unit by virtue of its being permanently fixed on property complying with American National Standards Institute A119.5 standard for park trailers as defined by WAC 296-150P-0020. These units shall bear an insignia issued by the Washington Department of Labor and Industries or equivalent. This definition does not include recreational vehicles as defined by L&I is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:
 - a) Built on a single chassis, mounted on wheels; and
 - c) Having a gross trailer area not exceeding 400 square feet in the set-up mode; and
 - d) Certified by the manufacturer as complying with ANSI A119.5 (WAC 296-150P-0020).

21.06.030 Park model placement requirements.

(1) Applicability. The provisions of this Chapter shall apply to the placement of a Recreational Park Trailer within unincorporated Clallam County. As used in this Chapter, the term "park model" shall apply to, and be considered synonymous with, a Recreational Park Trailer.

~~(24)~~ Placement of a park model ~~(including recreational park trailers, or tiny home on wheels~~ with appropriate L&I insignia or equivalent) within Clallam County requires approval of a placement permit issued by the Clallam County Department of Community Development (DCD).

~~(45)~~ Only one park model may be placed on a legal lot zoned for residential purposes with or without an existing single-family residence, provided compliance with all other criteria specified in this Chapter. Multiple park ~~model~~trailers may be located on property within an approved ~~b~~Binding ~~S~~site ~~p~~Plan established for the purpose of ~~creating an RV Park~~placing multiple park models.

~~(1) — A park model placed on property with a single-family residence will disqualify the property for an accessory dwelling unit while the park model is present. Likewise, a property containing an accessory dwelling unit is not eligible for the placement of a park model, unless allowed per zoning.~~

Ordinance _____

An ordinance amending Clallam County Code Title 33 Zoning, and adding a new section adopting standards for Recreational Vehicles, Park Models, and Camping

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 33.03, Section 33.03.010, Definitions is amended to read as follows:

For the purpose of this title, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this title shall carry the meanings as specified in the latest edition of Webster's New Collegiate Dictionary. Words or phrases not listed here have neither been amended or repealed by the ordinance codified in this section and remain as currently enacted.

(1) "Accessory apartment" means an accessory housing unit located above the first floor of a multistoried commercial or limited industrial use building.

(2) "Accessory dwelling unit" or "ADU" means a separate dwelling unit within a single-family dwelling or a separate structure associated with a single-family dwelling which is incidental and subordinate to the primary residential use of the property. Accessory dwelling units are further defined as follows:

(a) Detached. Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary residential dwelling unit. ADUs that are connected to a primary residential structure only by a covered breezeway or similar appurtenant structure shall be considered detached.

(b) Attached. Those accessory dwelling units that share a common wall or floor/ceiling with the primary dwelling unit and do not meet the definition of detached accessory dwelling unit.

(3) "Accessory housing" means an accessory single-family housing unit, the residential use of which remains a clearly incidental and subordinate use to a legally constructed primary single-family dwelling, commercial, or industrial use. "Accessory housing" includes accessory dwelling units, accessory apartments, caretaker apartments, and temporary medical hardship dwellings.

(4) "Accessory use or improvement" means a use or improvement which is necessary for the full use and enjoyment of the main use of the property, is typically associated with the main use, and is subordinate to or incidental to the main use of a parcel and which includes the utilities necessary to serve the accessory use. Accessory uses and improvements are allowed in all zoning districts.

(5) "Administrator" means the Director of the Department of Community Development of Clallam County or his/her designee.

(6) "Affected party" means those parties with standing to bring action on appeals of decisions rendered pursuant to this title and is limited to the following parties:

- (a) The applicant or owner of property on which the development is proposed;
- (b) Any person entitled to notice of the application pursuant to CCC 33.37.010; or
- (c) Any person who deems themselves aggrieved by a decision and who will suffer direct and substantial impacts from the proposal.

(7) "Agriculture" means improvements and activities associated with the raising and harvesting of crops and livestock. "Agriculture" includes ancillary activities, including equipment storage and repair, seasonal employee housing, and temporary on-site retail stands for the sale of agricultural goods.

(8) "Airport, general aviation" means an area of land or water that is used or intended to be used for the landing and taking off of aircraft. General aviation airports are designated by the Federal Aviation Administration (FAA) and may include ancillary structures and facilities that support the public and/or commercial use of the airport, including boarding terminals, air traffic control towers, cargo decks, baggage and ticketing terminals, parking areas, fueling facilities, aircraft storage (hangars), and aircraft servicing and repair facilities.

(9) "Airport, private use" means an area of land or water that is used or intended to be used for the landing and taking off of aircraft. Private use airports are not designated by the Federal Aviation Administration (FAA) as general aviation airports and may include ancillary structures and facilities that support the private, noncommercial recreational use of the airport, including air traffic control towers, parking areas, fueling facilities, aircraft storage (hangars), and aircraft servicing and repair facilities.

(10) "Allowed use" means a use or structure which is allowed outright by this chapter in one or more zones without issuance of a conditional use permit but remains subject to all other development regulations applicable to the proposal.

(11) "Antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

(12) "Asphalt plant" means a permanent (longer than three months) installation of an asphalt plant; provided, that the facility complies with all applicable water quality, air quality, and other environmental regulations.

(13) "Bed and breakfast inns" means a single-family dwelling on property occupied by the owner or manager which is constructed or converted partially or entirely into an overnight, short-term boarding house which does not detract from the residential appearance of the structure, and has five or fewer rooms for overnight accommodations.

(14) "Business park" means a commercial or industrial development supporting low-intensity activities compatible with adjoining residential land uses when properly landscaped.

(15) "Campground" means land developed to provide designated areas for tents and shall include facilities constructed for the comfort or convenience of the campers, including but not limited to restrooms, showers, and garbage service, and is considered an outdoor-oriented recreation facility.

(16) "Caretaker apartment" means an accessory housing unit that is permitted in association with a commercial or industrial use where no residential dwelling exists, and the expressed purpose of the accessory housing unit is to provide housing for an on-site security or operations personnel.

(17) "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums.

(18) "Child daycare center" means a person or agency that regularly provides care for a group of children for periods of less than 24 hours (RCW 74.15.020).

(19) "Church" means a building or buildings intended for religious worship including ancillary activity and improvements such as religious education, assembly rooms, kitchen, reading room, recreation hall and may include a residence for church staff. This definition does not include schools devoted primarily to nonreligious education.

(20) "Commercial greenhouse or nursery" means a structure (greenhouse) or land (nursery) devoted to the cultivation and wholesale or retail of plants.

(21) "Commercial horse facility" means a facility greater than 2,000 square feet for the commercial boarding, care, training or riding of horses.

(22) "Commercial storage" means a structure, or part thereof, or area used principally for the storage of goods and merchandise.

(23) "Commercial use" means any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income.

(24) "Commercial use, neighborhood" means commercial uses whose primary function is to serve a limited geographic market area intending to enhance a neighborhood or limited residential market.

(25) "Commission" means the Clallam County Planning Commission appointed by the Board of Commissioners.

(26) "Communication relay facilities" means telephone, telegraph, television, radio, cables, microwave stations, retransmission improvements, substations and any other communication conveyance. This definition includes commercial broadcast stations, accessory control buildings, and security fencing.

(27) "Comprehensive Plan" means the Clallam County Comprehensive Plan, CCC Title 31.

(28) "Conditional use" means an activity or structure which is permitted in a zoning district through a special permitting process with public input and a determination that the proposed use is consistent with applicable land use regulations and the character of the neighborhood.

(29) "Corner lot" means a lot abutting on and at the intersection of two or more streets.

(30) "County" means Clallam County.

(31) "Density" means the number of dwelling units per gross acre of land, which includes road rights-of-way to the centerline of fronting streets, tidelands, and dedicated open space areas.

(32) "Development right" is defined as the difference between the existing use of a parcel and its potential use as permitted by existing law, i.e., a development right is equal to the unused development potential of a parcel of land. In simplest form, a single development right usually represents the potential to build one dwelling unit.

(33) "Development standards" means a set of requirements establishing parameters to be followed in site and/or building design and development.

(34) "Duplex" means two dwelling units having a common roof.

(35) "Dwelling unit" means any building or any portion thereof which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes having independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, sanitation and including accessory structures and improvements.

(36) "Easement" means a grant of one or more property rights by the property owner to and/or for a specific or general use by a person or public.

(37) "Family daycare provider" means a child daycare provider who regularly provides child daycare for not more than 12 children in the provider's home in the family living quarters for periods of less than 24 hours (RCW 74.15.020).

(38) "Financial institution" means a building, property or activity, the principal use or purpose of which is the provision of financial services, including but not limited to: banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions, stock brokerages and mortgage companies.

(39) "Gas station" means a principal building site and structures for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail.

(40) "Grocery store" means a structure devoted primarily to the sale of staple foodstuffs and household commodities.

(41) "Gross floor area," for structures used for commercial or industrial purposes, shall include the sum of the horizontal areas of one or more floors of a building measured from the exterior face of exterior walls or from the centerline of a wall separating two commercial uses but not including interior parking spaces, storage spaces, loading spaces and basements which are not used for human habitation or service to the public. For structures used for residential purposes, "gross floor area" shall include the sum of the horizontal areas of one or more floors of a building measured from the exterior face of exterior walls but not including garages or exterior storage spaces.

(42) "Group home" means a facility licensed by the State which is located in a single building utilized for the full-time shelter and care of a group of unrelated people. A group home is considered to be a multiple-family dwelling when it is occupied by 17 or more clients. A group home is considered to be a home enterprise when occupied by 16 or fewer clients and when consistent with the standards for a home enterprise.

(43) "Hazardous waste" means:

(a) Any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides or any residues or containers of such substances which are disposed of in such quantities or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes have short-lived toxic properties which may cause death, injury, or illness or have nutrogenic, teratogenic or carcinogenic properties; or are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(b) Any waste described in subsection (42)(a) of this section which will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife and is highly toxic to man or wildlife; or if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(46) "Hazardous waste treatment and storage facility" means a site or facility used to store or treat hazardous waste as defined in subsection (42) of this section.

(45) "Home-based industry" means a revenue generating enterprise which is located on a residential parcel and which generates or involves outdoor activity and/or outdoor storage of equipment or supplies.

(46) "Home enterprise" means a revenue generating enterprise which is conducted entirely within a dwelling and/or inside other legally existing buildings on a residential property and is subordinate to and incidental to the residential use of the dwelling.

(47) "Indoor shooting range" means a facility, commercial, public or private, which provides for recreational shooting and hunter education within a fully enclosed and soundproof structure which is clearly subordinate to the residential use, if applicable, of the property.

(48) "Industrial use" means any premises devoted primarily to the manufacturing of finished or semi-finished products, and the processing of materials. This definition includes accessory facilities such as but not limited to storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage milling and sorting.

(49) "Kennel" means an establishment which is designed to accommodate the temporary boarding of six or more household pets owned by persons other than the owner of the premises.

(50) "Land use" means an activity on land serving man in some manner.

(51) "Limited industrial use" means those industrial uses which generate minimal amounts of noise, odor, glare, traffic, and other nuisance characteristics.

(52) "Lodges" means any structure accommodating an organization which is operated not-for-profit where entrance to the premises is contingent upon the payment of a monthly or yearly fee.

(53) "Long-term commercial significance" includes (or signals) the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of land. Long-term commercial significance means the land is capable of producing the specified natural resources at commercially sustainable levels for at least the 20-year planning period, if adequately conserved. Designated mineral resource lands of long-term commercial significance may have alternative post-mining land uses, as provided by the Surface Mining Reclamation Act, Comprehensive Plan and development regulations, or other laws.

(54) "Lot coverage" means the total ground coverage of all buildings or structures on a site measured from the outside of external or supporting walls, but not to include: at-grade, off-street parking lots; deck areas; terraces; swimming pools; pool deck areas; walkways and roadways; and driveways.

(55) "Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line.

(56) "Lot line, front" means the boundary of a lot which is common to a public or private road or access easement. Where the lot abuts two or more roads the lot owner may designate one of the lot lines common to one of the roads as the front lot line at the time the lot is developed.

(57) "Lot line, rear" means the property line of a lot that is most opposite or most distant from the designated front lot line and that does not intersect any front lot line. In the case of a triangular lot, it means a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line. In the event that the front property is a curved line, then the rear property line shall be assumed to be a line parallel to a line tangent to the front property line at its midpoint. In the case of waterfront property, the rear lot line is that which adjoins the ordinary high water line, unless otherwise designated by the Zoning Administrator.

(58) "Lot line, side" means any lot line that is not a front or rear lot line, or any lot line that intersects a front lot line.

(59) "Lot, parcel, tract" means an ownership of land in which the boundary is defined by a deed recorded in the County Auditor's office and assigned a tax parcel number by the County Assessor; or a lot which has been defined by a survey recorded pursuant to Washington State surveying or platting laws and is assigned a tax parcel number by the County Assessor; or parcels recognized by resolution of the Board of County Commissioners adopted prior to the effective date of this title.

(60) "Lot width" means the horizontal distance between side lot lines measured at right angles to the lot depth line at a point midway between the front and rear property line. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the depth line of the lot at a distance midway from the front and rear lines required for the district in which the lot is located.

(61) "Marijuana processor" means a person licensed by the State Liquor and Cannabis Board to process marijuana into marijuana concentrates, usable marijuana and marijuana-infused products, and package them for sale in retail outlets and at wholesale to marijuana retailers.

(62) "Marijuana producer" means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to processors and other producers.

(63) "Marijuana retail" means a person licensed by the State Liquor and Cannabis Board to sell marijuana concentrates, usable marijuana, and marijuana-infused products in a retail outlet.

(64) "Master planned resort" means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreation facilities.

(65) "Medical hardship" means a physical or mental incapacitation requiring daily care by an on-site caregiver and is attested to, in writing, by a licensed practicing physician in the State of Washington.

(66) "Medical hardship dwelling" means a mobile home or manufactured home, as defined by WAC 296-150M-0020, allowed to provide temporary housing in cases of documented medical hardship.

(67) "Medical service facility" means a licensed medical physician's clinic or outpatient care clinic where overnight accommodations are not provided.

(68) "Mineral extraction" means activities involved in the extraction and processing of minerals from the earth for industrial, commercial, or construction uses, excluding water. For the purpose of this chapter, removal of solid materials from the earth is not deemed mineral extraction until the activity collectively results in more than three acres of land being disturbed or that results in pit walls more than 30 feet high and steeper than one horizontal to one vertical. This definition does not include disturbances greater than three acres of land during any time period if the cumulative area that has not been rehabilitated according to the State's reclamation requirements outlined in Chapter 78.44 RCW is less than three acres. Farming, road construction, mineral exploration testing and site preparation for construction shall not be deemed mineral extraction activities.

(69) "Mineral Resource Land Overlay District" or "MRLOD" means an overlay designation given to the location of a surface mine or proposed surface mine. A surface mine located upon land having the MRLOD designation may operate there without first obtaining a conditional use permit, if one would otherwise be required in the absence of MRLOD designation. Such a surface mine is and remains subject to the regulations listed in Chapter 33.62 CCC and all other applicable development regulations.

(70) "Minimum lot size" means the smallest parcel size upon which a dwelling may be placed or constructed; provided, that roads and open spaces which are dedicated to the public and tidelands shall be excluded when calculating lot size; provided, that lots in the Rural (R1) zoning district may include roads dedicated to the public as part of a land division in the minimum lot size calculation.

(71) "Mini-storage/self-storage" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants for the purpose of storing and removing personal property. A self-service storage facility is not a public warehouse.

(72) "Mixed-use" means development that combines two or more different land uses on the same lot or contiguous lots in the same zone, such as retail uses and residential uses.

(73) "Mobile home park" means a lot or parcel of land occupied by two or more mobile homes on a rent or lease basis, and approved by Clallam County pursuant to County regulations.

(74) "Motel/hotel" means a structure which provides overnight, short-term boarding to transient guests and not defined as a bed and breakfast inn facility.

(75) "Multiple-family dwelling" means a building containing three or more dwelling units.

(76) "Nonconforming use or structure" means a lawful structure or use existing at the time this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

(77) "Off-street parking" means any space specifically allocated to the parking of motor vehicles that is not located within a public right-of-way, travel lane, service drive, or any easement for public use.

(78) "Outdoor-oriented recreation facilities" means buildings, land alterations, or other facilities which are intended to provide for recreational activity including, but not limited to, campgrounds, boat launching facilities, golf courses and ball fields.

(79) "Outdoor shooting range" means a facility, commercial, public or private, and use, part of which occurs outdoors, which is established for the purpose of recreational shooting and hunter education/training. An "outdoor shooting range" includes the discharge of firearms for any lawful purposes. Accessory uses which directly relate to the use of the site as an outdoor shooting range such as campgrounds and indoor retailing of shooting supplies are included.

(80) "Parking space" means an area set aside for the parking of one motor vehicle.

(81) "Park Model or Recreational Park Trailer" means a type of recreational vehicle as defined in the American national standards institute A119.5 standard for park trailers as defined by RCW 43.22.335.

(82) "Performance standards" means criteria that are established and must be met before a particular use will be permitted. These measures are designed to guide development of property and include, but are not limited to, open space requirements, water and wastewater requirements, buffer zones, screening, size and height limits for buildings, noise, vibration, glare, heat, air or water contaminants, and traffic.

(83) "Permitted use" means an activity or structure which is either allowed in a zone pursuant to this chapter without conditions or formal action by the County, or is identified as a conditional use.

(84) "Person" means a man, woman, firm, association, partnership, political subdivision, government agency, corporation or any other human entity whatsoever.

(85) "Preferred use" means the use that is the most appropriate lawful use for a particular parcel because that use best furthers the public policy behind the zoning or overlay designation applicable to that particular parcel.

(86) "Primary dwelling unit" means a structure consistent with the definition of "single-family dwelling," as set forth in this section; provided, that this definition applies to those single-family residential structures on parcels where an accessory dwelling unit, consistent with the standards of Chapter 33.50 CCC, is also present.

(87) "Primitive campground" means a campground of no more than 4 spaces per five acres with a maximum of 20 sites for day use and overnight accommodations by tenters only (no recreational vehicles or tent-trailers) and shall include placement of a chemical toilet and garbage service, and shall not provide water service. A primitive campground is also an outdoor-oriented recreation use, unless specified in each zoning district.

(88) "Professional office" means a structure accommodating the following professional offices: medical, dental, chiropractic, accounting, consulting, cosmetologist, real estate offices or such other offices of persons required to be licensed by the State of Washington following completion of required training.

(89) "Public building" means a building or improvement which is used or owned by a governmental agency.

(90) "Public improvement" means a facility which is used or owned by a governmental agency.

(91) "Race track" means an area devoted to the racing of motor and nonmotorized vehicles or animals, and all improvements normally associated with racing such as off-street parking, patron seating, concessions, and a fixed race track.

(92) "Restaurant" means a business in which food is prepared and sold for consumption.

(93) "Research facility" means an improvement devoted to or supporting research activities and having minimal nuisance characteristics related to odor, noise, glare and radiation. "Research" is an activity devoted to the obtaining of knowledge and does not include any product retailing or wholesaling activity. Testing for surface and subsurface minerals is not a research activity.

(94) "Retail use" means a land use devoted primarily to the wholesale and retail sale of a product or service to the general public.

(95) "Recreational Vehicle (RV)" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes as defined by RCW 43.22.335.

(96) "RV park" means two or more occupied RVs on a property for day use and overnight accommodations by motor homes, travel trailers, truck campers, camping trailers, and park models.

(97) "Satellite dish antenna" means a round, parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than four meters in diameter. Commercial dish antennas are typically those larger than four meters and typically used by broadcasting stations.

(98) "School" means a building where instruction is given to persons to enhance their knowledge or skills. Buildings where instruction is given primarily on religious matters are not deemed to be schools.

(99) "Setback" means the minimum distance allowed by this chapter between a lot line or the centerline of a street right-of-way and the foundation of any building on the lot; provided, however, that eaves, decks, porches, bay windows, chimneys or other architectural elements may project no more than two feet in any required yard except in instances where such projection would be over or on an easement, which is not allowed; and, provided further, that structures and improvements associated with utilities or roads dependent on location on or near road right-of-way shall be allowed without meeting the setback standards of the Zoning Code.

(100) "Shooting range" means a facility established for the purpose of recreational shooting, including, but not limited to, target and skeet shooting.

(101) "Should," when used in a statement, indicates a preference, recommendation or exhortation rather than a mandate or requirement and is a synonym for "may."

(102) "Single-family dwelling" means a dwelling unit detached from any other dwelling unit and intended for occupation by one family and including accessory improvements and uses.

This definition includes manufactured homes such as mobile homes, modular homes and other homes manufactured in components or as one complete dwelling unit.

(103) "Storage facility" means a building or fenced open yard used solely for the storage of goods and materials; provided, that automobile wrecking or salvage facilities are excluded from this definition.

(104) "Street" means any vehicular right-of-way which:

- (a) Is an existing State, County or municipal roadway; or
- (b) Is a publicly owned easement; or
- (c) Is shown upon a plat or short plat or survey approved pursuant to County regulations; or

- (d) Is approved by other governmental action. The street shall include all land within the boundaries of the street right-of-way which is improved.

(105) "Street classifications" means those functional classifications given to streets by the Clallam County Board of Commissioners under the provisions of RCW 36.86.070.

(106) "Street right-of-way" means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation, and intended to be occupied by a street, as specified by recorded easements, recorded ownership instruments, or dedications accepted by the Board of County Commissioners for public transportation purposes.

(107) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises of beer and/or wine.

(108) "Timber harvesting" means improvements and activities associated with the growing and harvesting of trees. Such activity includes land preparation for tree planting, road construction, tree thinning, brush control, log storage and sorting yards, tree nursery facilities, research activity related to timber growing, improvements required for environmental impact mitigation, temporary chipping and barking activity utilizing portable equipment, storage of materials, vehicles and equipment supporting timber growing, harvesting and transportation activities, staging areas and facilities, timber trans-shipment facilities, log scaling facilities, the extraction of gravel and rock necessary to support timber management activity and all other silviculture and associated practices which are recognized by and consistent with the regulations of the Washington State Forest Practices Act of 1974.

(109) "Timber labor camp" means facilities which are designed to accommodate persons who are employed in timber management activities. Such facilities provide overnight sleeping, waste disposal and one cooking facility to serve the entire facility.

(110) "Tourist shop" means a facility devoted primarily to the sale of a product or service to the traveling public, including antique or curio shops, crafts, and memorabilia.

(111) "Transfer of development rights" or "TDR" means an innovative voluntary program in which unused transferable development rights (TDRs) credited by the County to one parcel can be sold and transferred without buying and selling the land. These transferable development rights may be utilized in an urban growth area to increase allowable densities.

(112) "Unclassified use" means an activity or land use not defined by this title and not listed as an allowed use, a conditional use, or a prohibited use in this title.

(113) "Urban growth area" means those areas designated by Clallam County pursuant to the policies in the County-wide Planning Policy and the Comprehensive Plan.

(114) "Urban level of facilities and services" means those services defined as "urban governmental services" with levels of service as defined within the capital facilities element of the Clallam County Comprehensive Plan.

(115) "Utility" means a fixed, conveyance type improvement serving two or more ownerships. Said improvement conveys power, gas, water, sewage, surface drainage, or communication signals. This definition does not include intercounty or interstate transmission facilities.

(116) "Vacation rental" means a legally constructed dwelling intended for occupancy of the entire dwelling (not rental of individual rooms) by any person/group other than the primary owner for periods of 30 days or less and is an allowed use in all zoning districts that allow single-family residences. Uninhabitable structures like garages, barns, or sheds shall not be used as vacation rentals. "Vacation rental" does not include a bed and breakfast permitted and operated in accordance with this code.

(117) "Variance" means an exception from the minimum standards of this chapter allowed by the provisions of Chapter 33.30 CCC.

(118) "Vehicular repair" means a structure or land use devoted to the repair of motor vehicles and not otherwise defined as a home-based industry.

(119) "Veterinary clinic" means any building or portion thereof designed or used for the medical care or treatment of cats, dogs, or other animals.

(120) "Wholesale commercial use" means establishments or places of business primarily engaged in selling merchandise or services to retailers, industrial customers, institutional agencies, professional business users or to other wholesalers.

(121) "Wood manufacturing" means any wood manufacturing premises devoted primarily to the manufacturing of semi-finished products, finished products and the processing of materials. This definition includes accessory facilities such as but not limited to storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage, milling and sorting.

(122) "Wood manufacturing (small-scale)" means any wood manufacturing activity meeting the following criteria: cabinet shops and other wood finishing facilities; all activity takes place indoors; and the structure is less than 5,000 square feet.

(123) "Wrecking yard" or "junk yard" means an open area where scrap materials or motor vehicles are bought, sold, exchanged, recycled, stored, disassembled or handled, but which cannot be used again for the purpose for which it was originally intended.

(124) "Zone" means a mapped area to which a uniform set of regulations applies. The Clallam County Official Zoning Map describes the extent and boundaries for the zones described within this title.

(125) "Zoning" means the process by which a county or municipality legally controls the use of property and physical configuration of development upon tracts of land within its jurisdiction.

Chapter 33.48, Recreational Vehicles, Park Models, and Camping, is created to read as follows:

Section 33.48.010, Purpose is created to read as follows:

The purpose of this chapter is to protect public health, safety, and welfare of Clallam County citizens and the environment by providing standards for recreational vehicles and camping ~~on~~ for personal use on private property.

Section 33.48.020, Requirements for Recreational Vehicle Use is created to read as follows:

(1) One RV may be placed and occupied on a legal lot and shall meet the standards of this code. ~~If an RV is placed on vacant land only the land owner shall occupy the RV.~~ Upon request by DCD (i.e. complaint received), the applicant shall provide evidence of compliance with these standards.

~~(2) An RV placed on vacant land shall not be used for transient (less than 30 days) accommodations.~~

~~(32)~~ Duration of stay within an approved/legal RV park or mobile home park will be determined by the manager/owner.

~~(43)~~ Within frequently flooded areas, the maximum number of days a park model or RV can be occupied is 180 days and it must be ready for highway use (per FEMA regulations).

~~(54)~~ For parcels over 2.4 acres in size, events with multiple RV's (family reunion, hunting camp, etc.) are allowed for a maximum of 56 days per year, no longer than 14 consecutive days. If multiple RV's are on the property in excess of 56 days per year ~~or~~ and more than 14 consecutive days it shall be identified as an RV park.

~~(65)~~ Proof of legal black and gray water disposal shall be provided for use of an RV on property and may include connection to sewer or approved septic, or dumping of the RV holding tanks directly into an approved dump station. Neither gray nor black water may not be discharged onto the ground or surface waters. Permanent connection to an approved septic or sewer connection by Clallam County Environmental Health or Public Works is required for an RV to be occupied more than ~~14~~180 days per calendar year and/or where water is installed and used at the property. The increased flow, chemicals, and RV toilet paper can cause premature septic system failure, which will require replacement of the system.

Sani-cans are only approved for dry camping and shall be screened from public view and above ground holding tanks are not allowed to be used.

~~(7) If connected to water, the source shall be an approved connection.~~

~~(86)~~ Solid waste (as defined by Chapter 41.11, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts) must be properly disposed from the property as outlined in Solid Waste Regulations (Chapter 41.11). In the event of solid waste investigation (i.e. burning of trash, the accumulation of junk vehicles, or more than 12 cubic feet of solid waste as outlined in Section 41.11.070 CCC, etc), documentation of the disposal of solid waste in an approved facility will be required to be provided to Clallam County DCD and/or Environmental Health.

~~(97)~~ No more than two unoccupied recreational vehicles of any kind may be stored on a property, and only one unoccupied RV may be stored on parcels under five acres.

~~(108)~~ RVs shall not be parked on a public roadway, right-of-way, or easement.

(119) RVs shall be licensed and operable, and shall not include any fixtures or attachments such as decks, porches, attached skirting, etc. that would prevent the movement of the vehicle.

(120) All personal property not considered solid waste shall be screened from adjacent properties and roadways through use of existing/proposed structures, fencing, berms, landscaping, etc.

(134) Permanent or solar electrical service should be provided ~~whenever feasible or if intended to be used more than 180 days in a calendar year, which is intended to reduce noise, fumes, fire hazard, and potential spills of fuel from the use of generators if intended to be used more than 14 days.~~ Use of generators ~~shall~~ include noise reducing measures (low noise ratings, mufflers, insulation, location, etc) to comply with the Washington State Department of Ecology Maximum Environmental Noise Levels codified at WAC 173-60, which includes stricter standards at night time (10 p.m. to 7 a.m.).

(142) Improvements to a site shall not disturb the native vegetation within a critical area, shoreline, or their buffers without compliance with Shoreline and Critical Area regulations. On pre-existing sites (developed prior to adoption of applicable regulations), placement on the developed area is allowed.

(153) Placement shall comply with the zoning, shoreline, and critical areas codes to the maximum extent possible.

(164) No more than one RV may be connected to a hook-up (electric and/or water) without being considered an RV park except as per 4 above, and renting of space(s) constitutes an RV park, which requires compliance with the underlying zoning.

(175) If conditionally allowed, RV parks with 4 or less spaces will not require approval of a binding site plan.

(186) The Administrator may permit one temporary RV for a caretaker for commercial/industrial development, or documented medical hardship for a caretaker or immediate family member. The temporary RV will require submittal of a request to be renewed every three years upon proof of continuing need, and shall not be allowed if a primary and accessory dwelling unit are already located on the parcel.

Section 33.48.030, Requirements for Park Models is created to read as follows:

(1) Only one Park Model may be placed and occupied on a legal lot and shall meet the above standards. Upon request by DCD (i.e. complaint received), the applicant shall provide evidence of compliance with standards and the standards above.

(2) Park models shall be secured with a system that meets the requirements per the manufacturer's installation instructions or, by engineered design, and shall be installed to prevent overturning and roof uplift.

(3) Park models placed on property with a single family residence will disqualify the property for an accessory dwelling unit.

(4) Park models may have skirting and detached decks (not structurally connected) if located outside of a floodplain.

Section 33.48.040, Temporary Living Quarters during Construction is created to read as follows:

During construction of a single family residence, the land owner may place an RV or tent for temporary living quarters. Upon completion of the single family residence or expiration of the building permit the RV or tent shall no longer be used as living quarters.

Section 33.48.050, Tents and Yurts is created to read as follows:

A property owner may camp without improvements using tents or ~~unpermitted~~ yurts on their property for no more than 30 days, and shall provide some form of legal sewage disposal. Dry camping may not be used as a permanent living arrangement. ~~Construction of yurts for permanent living requires approval of a building permit.~~

If the land owner intends to create improvements to the property, or camp more than 30 days, or provide camp sites to the public, the owner shall comply with underlying zoning standards and Environmental Health regulations. If allowed outright, the applicant shall provide a site plan showing compliance with all zoning setbacks and critical area/shoreline buffers, provide a source of approved septic disposal, and if potable water is intended to be provided, an approved water system shall be noted. Platforms or stands that are 30 inches or greater in height, which are constructed for the placement of tents, require issuance of a building permit. Any other structures must comply with Building Department standards.

Section 33.48.060, Violation-Penalty is created to read as follows:

Failure to comply with the provisions of this chapter shall be a violation. Violations of this code will be subject to civil penalties listed in Chapter 20 for non-commercial violations.

ADOPTED this _____ day of _____ 2021

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, Clerk of the Board

Bill Peach

29.35.100 Additional standards for RV parks.

(1) *General Requirements.* A camper vehicle park shall be adapted to individual site conditions and the plat should use terrain, existing trees, shrubs and rock formations with a minimum of disturbance of the land.

Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.

(2) *Density Requirements.* The density shall not exceed twenty-five (25) camper vehicle spaces per acre of gross site area, except that the density may be reduced if any of the following conditions exist:

(a) A septic tank and drainfield sewage disposal system is proposed for use and field inspection of soil conditions, groundwater conditions, relation to surface waters, proximity to groundwater supplies, and soils evaluations indicate that the higher density could result in a public health hazard.

(b) Any other situation where the physical characteristics or locational characteristics of the site would indicate that the higher density could adversely affect the public health, safety and general welfare.

(3) *Dimensional Standards.*

(a) All camper vehicle sites shall be located at least twenty-five (25) feet from any park boundary line abutting upon a public street or highway.

(b) All camper vehicle sites shall be located at least four (4) feet from any park boundary that does not abut upon a public street or highway.

(c) Camper vehicle sites shall be a minimum of seventeen (17) feet wide.

(4) *Required Recreation Area.* In all camper vehicle parks, there shall be at least one recreation area other than streets and utility areas which shall be easily accessible from all camper vehicle spaces. The size of such recreation area shall be not less than eight (8) percent of the gross site area or 2,500 square feet, whichever is greater.

(5) *Water Supply.* Water supply shall comply with State and County health regulations, and Uniform Building Code regulations, as they apply.

(6) *Sewage Disposal Requirements.*

(a) A restroom facility shall be constructed in compliance with the Uniform Building Code, as it applies, and shall be provided at one or more locations in the camper vehicle park, and shall be located within 500 feet of any camper vehicle site not provided with an individual sewer connection.

(b) *Sewage Disposal Systems.* Sewage disposal systems shall be in compliance with State and County health regulations, as they apply.

(c) *Dump Station.* Each camper vehicle park shall be provided with an approved dump station in the ratio of one for every 100 camper vehicle spaces or fractional part thereof.



MEMORANDUM

Clallam County Department of Community Development

Date: March 26, 2025
To: Clallam County Planning Commission
From: Tim Havel, Chief Deputy Director, DCD
Re: Floodplain Management Ordinance

Clallam County has received notification that we have until April 23, 2025, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) and (e) of the National Flood Insurance Program (NFIP) regulations. The County must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements by April 23, 2025, to avoid suspension from the NFIP. If suspended, the community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

An Emergency Ordinance is currently under review with the Board of County Commissioners (BOCC), with a proposed public hearing planned for 04/15/2025. The Department of Community Development (DCD) has taken this unusual step due to the short timeframe caused by complications in drafting and complexities of the issue, input from legal, as well as federal regulations. Fortunately, our existing Critical Areas Ordinance, Chapter 27.12, requires only minor modifications in order to be compliant with the NFIP requirements. The majority of changes needed are the inclusion of some new definitions and minor modifications to the code's language.

DCD is presenting the same proposed code modifications to the Planning Commission for their review, public hearing, and finalization process to forward to the BOCC. The Emergency Ordinance process allows for 60 days from the date of adoption to ensure that our revised code is reviewed through the regular methods, meets NFIP minimum requirements, and is adopted by the BOCC.

Tim Havel, Chief Deputy Director, DCD

An emergency ordinance amending Chapter 27.12 Critical Areas regarding floodplain management to ensure continued participation in FEMA's National Flood Insurance Program (NFIP)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 27.12.500. Applicability and purpose is amended as follows:

This section applies to all regulated uses within designated frequently flooded areas of Clallam County. The intent of this section is to:

(1) Protect the public health, safety and welfare from harm caused by flooding on both private and public properties by reducing the risk of flood damage in areas prone to flooding.

(2) In addition to the requirements of this section, Clallam County uses the Clallam County Construction Code, Chapter 21.01 CCC, which includes the adoption of Division I, Appendix 31, Uniform Building Code International Building Code, Appendix G and International Residential Code, Section R322, which sets forth minimum structural standards required in frequently flooded areas.

(3) This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, when any other provisions, easements, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 27.12.505. Designation and duties of floodplain administrator.

(1) The Clallam County Director of Community Development, or their designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions.

(2) Duties and Responsibilities of the Floodplain Administrator shall include the review of all development permits to determine that:

(a) The permit requirements of this ordinance have been satisfied;

(b) All other required state and federal permits have been obtained;

(c) The site is reasonably safe from flooding;

(d) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 27.12.520(3) are met.

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

Section 27.12.51005. Regulated uses and activities is amended as follows:

Applicability of this chapter is set forth in Part One of this chapter. Unless otherwise specified in this chapter, proposals located within the jurisdiction of this chapter as it applies to frequently flooded areas shall require:

(1) A certificate of compliance if within frequently flooded areas;

(2) A variance consistent with Part Seven of this chapter if the standards and requirements cannot be met.

Section 27.12.5150. Classification and designation is amended as follows:

(1) *Classification.* Frequently flooded areas shall be classified as floodways, floodplains and special flood hazard areas (SFHA). "Floodway" refers to the channel of a stream, plus any adjacent

areas, that must be kept free of encroachment in order to discharge the base flood without cumulatively increasing water surface elevation more than ~~one-0.0 footfeet~~. "Floodplain" refers to the area of land that would be covered with water during a flood, and includes the floodway and the special flood hazard area. "Special flood hazard area" means the floodway and adjoining land which is subject to a one percent or greater chance of flooding in any given year, as determined by engineering studies accepted by Clallam County. Coastal high hazard areas are located within special flood hazard areas.

(2) *Designation.* All lands classified as floodway, floodplain, or special flood hazard areas in the Federal Emergency Management Agency report titled "The Flood Insurance Study (FIS) for Clallam County, WA and Incorporated Areas" dated ~~April 23, 2025~~December 5, 1989, as now or hereafter amended, with accompanying Flood Insurance Rate and Boundary Maps (FIRM) dated April 23, 2025, are designated as frequently flooded areas. The study and maps are on file at Clallam County. When base flood elevation data has not been provided in the Flood Insurance Study, the Administrator, or his/her designee, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from the U.S. Federal Emergency Management Agency, Washington Sstate Department of Ecology, or other qualified source. Where base flood elevation data and floodway delineation ~~areis~~ not available either through the Flood Insurance Study or from a qualified source, historical data, high water marks, photographs of past flooding, etc., shall be used to determine base flood elevations. Special flood hazard areas shall be delineated by engineering studies that meet the specifications of 44 CFR § 65 and approved by FEMA and then adopted by Clallam County. The only method to alter data or maps related to special flood hazard areas is through an officially processed map change, through a physical map revision, a County-wide remapping, or a Letter of Map Change (LOMC) submitted to FEMA and approved. Qualified professionals may submit these studies to FEMA to alter the location of the special flood hazard areas through the Letter of Map Change (LOMC) process, with the concurrence of the Administrator. Frequently flooded areas shall not include those lands where a qualified professional pursuant to CCC 27.12.050 determines that Flood Insurance Study maps are in error.

(3) If a project will alter the Base Flood Elevation (BFE) or boundaries of the special flood hazard area (SFHA), the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

Section 27.12.5~~2015~~. Protection standards for certain development proposals is amended as follows:

All development within designated frequently flooded areas shall be in compliance with the Clallam County Construction Code, Chapter 21.01 CCC, as amended, in addition to the following:

(1) *Critical Facilities.* Critical facilities are prohibited within areas designated as frequently flooded.

(2) *Land Divisions.*

(a) New land divisions within a designated frequently flooded area are prohibited, unless each lot designated for development contains at least one building site, including access and utilities, that is not within such areas and is one acre or larger in size, and the lot also complies with the

minimum lot size allowed under CCC Title 33, Zoning Code. The buildable area shall be shown on the face of the final plat and/or site plan. Measurements of the buffer shall be from the OHWM, or the outer edge of the special flood hazard area, whichever is greater.

(b) New land divisions containing frequently flooded areas shall be consistent with the requirement to minimize flood damage; shall have utilities and common facilities located and constructed to minimize flood damage; shall have adequate drainage provided to reduce exposure to flood damage; and where base flood elevation data has not been provided or is not available from another authoritative source, it shall be included as part of the application generated for development proposals which contain at least fifty (50) lots or five (5) acres (whichever is less).

(c) For new land divisions, any designated frequently flooded area and/or critical area buffer located on the development site shall be surveyed by a professional land surveyor. The location of the critical area shall be shown on all required county site plans.

(3) *Land Disturbing Activities.* Land disturbing activities located within the jurisdiction of critical areas shall obtain a certificate of compliance and provide for storm water quality and quantity control, including preparation of a temporary erosion and sediment control plan and permanent drainage plan, consistent with ~~the Stormwater Management Manual CCC 27.14 for the Puget Sound Basin, prepared by the State Department of Ecology, February, 1992,~~ as amended. This requirement may be waived by the Administrator upon determination that the proposal will not affect the critical area, except as follows:

(a) *Frequently Flooded Areas.* Land disturbing activities are prohibited within floodways unless certification by a civil engineer licensed in the State of Washington is provided demonstrating that such activities shall not result in more than a ~~one~~0.0-foot increase in flood levels during the occurrence of the base flood discharge. In the designated frequently flooded area, the cumulative effect of any land disturbing activity, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. Certification by a civil engineer licensed in the State of Washington who is qualified for flood assessment is required unless the Administrator determines that sufficient information is available to determine compliance.

(b) Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on agricultural lands where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Elevated areas do not relax National Flood Insurance Program standards (NFIP).

(4) *Recreational Vehicles.* Recreational vehicles placed within the special flood hazard area shall comply with all of the following conditions:

(a) The recreational vehicle shall be located on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, be on its wheels or jacking system, be not obstructed (i.e., no blocking or skirting), be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

(b) Any structures temporarily attached to recreational vehicles must comply with applicable provisions of this chapter.

(c) Recreational vehicles shall not be located within critical area buffers required pursuant to this chapter.

(5) *Notice to Title.* Any property on which a development proposal is submitted shall have filed with the Clallam County Auditor: (a) a notice to title of the presence of the critical area or buffer, (b) a statement as to the applicability of this chapter to the property, and (c) a statement describing possible limitations on actions in or affecting such areas or buffers as approved by the Administrator.

Clallam County shall record such documents and will provide a copy of the recorded notice to the property owner of record. Development proposals which are also defined as normal repair and maintenance of existing structures or developments, including but not limited to: roof repair, interior remodeling, wood stove permits, etc., and on-site sewage disposal systems repairs or replacement, are exempt from this requirement.

(6) *Protection Standards for Structures in Frequently Flooded Areas.* In addition to the critical area buffer requirements and other applicable protection standards of this chapter and the standards set forth in Chapter 21.01 CCC, Clallam County Construction Code, as amended, the following conditions shall apply to structures constructed within designated frequently flooded areas.

(a) *Floodways.* Consistent with RCW 86.16.061(2)(a), as it applies, construction or reconstruction of residential structures is prohibited within designated floodways, except for: (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed fifty (50) percent of the market value of the structure either, (i) before the repair, or reconstruction is started, or (ii) if the structure has been damaged, and is being restored before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty (50) percent.

(b) *Residential, commercial and/or industrial buildings.* Buildings are prohibited within special flood hazard areas unless constructed or placed on lots or parcels of land platted by a final plat approved and recorded prior to December 10, 1980, for the Dungeness and Elwha Rivers and the effective date of this chapter for all other special flood hazard areas. If a portion of the pre-existing lot lies outside the flood hazard area, building shall be directed to the ~~nonhazard~~nonhazardous portion to the maximum extent feasible.

(7) *Roads and Bridges – New Construction.* Any new construction of private or public roads or bridges proposed within the jurisdiction of this chapter but outside of regulated critical areas or their buffers shall comply with the standards below and obtain a certificate of compliance. Any new road or bridge construction proposed within a critical area or associated buffer requires a variance approval pursuant to Part Seven of this chapter and shall also comply with the following minimum development standards, as applicable.

(a) It shall also be shown that no other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

(b) Public road or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street construction is the minimum necessary to provide safe roads and streets;

(d) Storm water and drainage impacts have been evaluated and have been determined to be consistent with this chapter;

(e) Deckings, abutments and piers shall not contain petroleum-based treatments or preservatives, including creosote, arsenic or copper; and

(f) Encroachments, including fill, shall not increase flood levels during the occurrence of the base flood discharge.

(8) *Trails and Trail-Related Facilities.* Construction of publicly owned trails on public lands, or privately owned trails for private or public use, and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, pedestrian bridges and viewing platforms, may be allowed in the critical area and associated buffers through the issuance of a certificate of compliance pursuant to this chapter, subject to the following standards:

(a) Encroachments, including fill, shall not increase flood levels during the occurrence of the base flood discharge.

(9) *Zoning or Comprehensive Plan Amendment.* Prior to taking action on a zoning or comprehensive plan map amendment, the applicant shall complete an environmental assessment that shall be approved by Clallam County, to confirm the nature, extent and rating of critical areas on the property; determine if the subsequent development proposal would be consistent with this chapter; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination pursuant to Chapter [27.01](#) CCC, Clallam County Environmental Policy. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposed zoning or comprehensive plan map amendment if the impacts are significant and cannot be mitigated.

Section 27.12.900. Definitions are amended as follows:

Whenever the following words and phrases appear in this chapter, they shall be given the meaning attributed to them by this section. "Shall" is always mandatory, and the word "may" or "should" indicates a use of discretion in making a decision. All other words in this chapter shall carry the meanings as specified in the latest edition of Webster's New Collegiate Dictionary.

(1) "Administrator" means the Director of the Clallam County Department of Community Development or his/her designee.

(2) "Agriculture" or "agricultural activities" means the use of land for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable or animal products or of berries, grain, hay, straw, turf, seed, cottonwood trees, Christmas trees not subject to the excise tax imposed by RCW [84.33.100](#) through [84.33.140](#), or livestock, including those activities directly pertaining to the production of crops or livestock including, but not limited to, cultivation, harvest, grazing, on-site animal waste storage and disposal, fertilization, the operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities, or improved areas. Activities (like installing drainage tiles) that allow an area to be utilized for agricultural use, or the processing or packing of primarily (i.e., over 50 percent) off-site agricultural materials are not considered agricultural activities.

(3) "Alteration" means a human action that may change the existing condition of a critical area. Alterations include but are not limited to: grading; dredging; channelizing; cutting, clearing, relocating or removing vegetation (except noxious weeds identified by the Washington Department of Agriculture or Clallam County Cooperative Extension); applying herbicides or pesticides or any hazardous or toxic substance; discharging storm water runoff or pollutants; grazing domestic animals; modifying for surface water management purposes; or any other human activity that changes existing vegetation, hydrology, wildlife or wildlife habitat.

(4) "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

(54) "Applicant" means any person, public agency or business entity such as a corporation or a partnership which applies for a development proposal, permit or approval subject to review under this chapter. Applicant shall also mean any predecessor or any successor in interest involving the proposal.

(65) "Aquaculture" means the farming or culturing of game or food fish, shellfish, and/or other aquatic animals or plants in fresh or salt water areas, and may include such developments as fish hatcheries, rearing pens, shore-based structures and shellfish rafts. Aquaculture practices pertain to any activity related to growing, handling, or harvesting of aquaculture produce, including, but not

limited to, propagation, enhancement and rehabilitation of said fisheries resources. Excluded from this definition is the private husbanding or harvesting of anadromous fish, as prohibited by Washington State Law, and related commercial uses such as wholesale and retail sales, processing, packaging or freezing facilities.

(76) “Aquifer” means a saturated body of rock, sand, gravel or other geologic material that is capable of storing, transmitting, and yielding water to a well in sufficient quantities to be economically useful.

(87) “Aquifer recharge” means the process by which water is added to an aquifer. It may occur naturally by the percolation (infiltration) of surface water, precipitation, or snowmelt from the ground surface to a depth where the earth materials are saturated with water. Aquifer recharge can be augmented by “artificial” means through the addition of surface water (e.g., land application of reuse water, wastewater or storm water) or by the injection of water into the underground environment (e.g., drainfields and drywells).

(9) “Area of shallow flooding” means a designated zone AO, AH, AR/AO, AR/AH, or VO on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

(10) “Area of special flood hazard” means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “special food hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

(118) “Base flood” means the flood level having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.”

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

(13) “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

(149) “Best management practices” means conservation practices or systems of practices and management measures that:

(a) Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria, toxic substances, pesticides, oil and grease, and sediment; and

(b) Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

(150) “Buffer” means an area of protection contiguous with a critical area where use is limited to protect the integrity, maintenance, function and structural stability of the critical area.

(164) “Clearing” means the destruction, disturbance or removal of vegetation by physical, mechanical, chemical or any other means.

(172) “Conservation easement” means a limited protective easement granted to Clallam County or other organizations devoted to protection and management of lands or portions thereof.

(183) “Critical facilities” means a facility for which even a slight chance of flooding or destruction caused by a geologic hazard would be too great. They include, but are not limited to: schools, hospitals, police, fire, emergency response installation, nursing homes, installations which produce, use or store hazardous materials or hazardous waste, pipelines which transmit oil and gas, municipal water and sewer facilities, and regional transportation facilities, such as airports, ports, railroads and major highways.

(194) “Development” or “development proposal” means any of the activities relating to the use and/or development of land, including but not limited to: any land use permit or approval issued by Clallam County pursuant to the Clallam County Code (e.g., building permit, industrial, commercial or residential; binding site plan; franchise right-of-way construction permit; master plan development; planned unit development; right-of-way access permit; shoreline permits including exemptions; conditional use permit; subdivision; short subdivision; utility or on-site sewage permit; the removal, excavation, grading, clearing, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind; paving, mining, drilling operations and storage of equipment or materials; the dumping, discharging, or filling with any material; the draining, flooding, or disturbing of the water table; the driving of pilings or the placing of obstructions; planting of vegetation (e.g., introduction of non-native species) that would alter the character of the critical area; activities that result in adverse changes in water temperature or physical or chemical characteristics of critical area water sources; or any subsequently adopted permit or required approval not expressly exempted by this chapter. Any development in a special flood hazard area must still obtain a floodplain development permit.

(2045) “Development proposal site” means, for purposes of this chapter, the legal boundaries of the parcel or parcels of land on which an applicant has applied for authority from Clallam County to carry out a development proposal.

(21) “Elevation Certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

(22) “Elevated Building” means a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

(2346) “Enhancement” means actions performed to improve the condition of existing degraded critical areas (e.g., wetlands or streams) so that the functions they provide are of a higher quality (provided that this activity does not significantly degrade another existing function or value), and are designed to improve or restore native fish and wildlife habitat, or watershed functions.

(2447) “Erosion” means the process whereby the land surface is worn away by the action of water, wind, ice or other geologic agents and by processes such as gravitational creep or events such as landslides. Geologic erosion occurs as an ongoing process that acts on all land surfaces to some degree. Human activities such as removing vegetation, increasing storm water runoff or decreasing slope stability often accelerate or aggravate natural erosion processes.

(2518) “Existing, ongoing agriculture” means agriculture that is both: (a) on land located within the agricultural retention zoning district and/or on land that meets the criteria and are enrolled in the Washington State open space and agricultural current use program per RCW 84.34.020(2)(b) and (c); and (b) is on land that has been used for agriculture since June 16, 1992, and not ceased use for agriculture for more than five consecutive years at any one time. Changing the type of agricultural activities being conducted is not considered new or expansion of existing agricultural activity. Agriculture that meets the definition of existing, ongoing agriculture on farmed wetlands, farmed wetland pastures, and prior converted wetlands is allowed to continue subject to the provisions of CCC 27.12.037.

(2649) “Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(279) “Flood” or “flooding” means 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, and/or mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. This may also include the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

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

(29) "Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(3024) "Floodplain" or "flood-prone area" means an area of land susceptible that would be to being covered (or inundated) with water during a flood. Also known as the "frequently flooded area."

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

(3222) "Floodway" means the channel of a stream or other watercourse and any adjacent land areas, that must be kept free of encroachment in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, which is the federal standard.

(3323) "Footprint" means all area covered up to the exterior dimensions of structural improvements, including: buildings, outbuildings, decks, patios, overhangs, driveways, and other manmade structures that preclude or have the effect of precluding establishment and/or continued growth of natural vegetation.

(3424) "Forest practices" means as defined in WAC 222-16-010(21), as amended, any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: road and trail construction, harvesting, final and intermediate, pre-commercial thinning, reforestation, fertilization, prevention and suppression of diseases and insects, salvage of trees, and brush control. Forest practices shall not include preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

(3525) "Frequently flooded areas" means the floodway and special flood hazard area, combined. Also known as "floodplain."

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

(3726) “Functions, beneficial functions, or functions and values” means the beneficial roles served by critical areas including,—but not limited to: water quality/quantity protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, historical and archaeological value protection, aesthetic value, and recreation. These beneficial functions are not listed in order of priority.

(3827) “Grading” means any excavating, filling or removing of the surface layer or any combination thereof.

(3928) “Grazed wet meadows” are wetlands whose vegetative cover has been greatly modified as a result of grazing, seeding or cutting for hay. They are typically dominated by pasture species (such as blue grass, orchard grass, fescue, clovers, reed canary grass, etc.) as well as non-native wetland species such as soft rush and buttercup. They are saturated or have standing water during the wet season and part of the growing season but are dry during the summer months. Grazed wet meadows have been used (within the last five years) or are being used for livestock grazing, seeding, or cutting for hay.

(4029) “Hazardous substances” means those substances defined as hazardous or dangerous wastes in Chapter 173-303 WAC and/or the Model Toxic Control Act (Chapter 173-40 WAC).

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

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

(4330) “Hydrogeology” means the science dealing with the properties, distribution, and circulation of ground water and related aspects of water.

(4431) “Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; and/or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to: roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities are not considered impervious surfaces.

(4532) “Lake” means a naturally existing or artificially created body of standing water greater than or equal to 20 acres in size. Lakes include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A lake is bounded by the ordinary high water mark or the extension of the elevation of the lake’s ordinary high water mark within the stream, where the stream enters the lake. All lakes meet the criteria of Chapter 90.58 RCW (Shoreline Management

Act) and have been inventoried as “shorelines of the State” under the Shoreline Master Program for Clallam County.

(4633) “Land disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to: demolition, construction, paving, clearing, grading, grubbing, surface mining or mineral extraction and other site development activities. This definition does not include those normal activities associated with construction and/or occupancy of a single-family dwelling and appurtenances.

(4734) “Land divisions” means any division of land regulated under the Clallam County Land Division Ordinance, CCC Title 29, as now or hereafter amended.

(4835) “Landslide” means the general term used to describe the downslope movement of a mass of slope materials including rock, soils, artificial fills, and vegetation. The speed and distance of movement, as well as the amount and type of slope material, vary greatly.

(49) “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 so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).

(5036) “Major new development” means any new development that is not considered minor new development, including but not limited to:

(a) Clearing, grading or filling one acre or greater in area;

(b) Zoning conditional use permits required under CCC Title 33, Clallam County Zoning Code;

(c) Any new commercial or industrial development authorized under Chapter 33.34 CCC or Chapter 33.35 CCC, Clallam County Zoning Code, except when authorized as a home enterprise activity consistent with CCC Title 33, Clallam County Zoning Code;

(d) Any structure, regardless of use with a footprint in excess of 4,000 square feet;

(e) Any land division pursuant to CCC Title 29, Clallam County Land Division Code.

(5137) “Marine bluff” means the cliff-like landform which has been created by wave and tidal erosion along marine shorelines. For the purposes of this chapter, marine bluffs include those areas along marine shorelines where:

(a) The slope is identified as “unstable,” “unstable old slide” and “unstable recent slide” on the maps of the Coastal Zone Atlas of Washington, Clallam County (1978); or

(b) Other slopes where the slope is equal to or in excess of 40 percent slope, or where the ground surface rises 10 feet or more vertically within a horizontal distance of 25 feet.

(52) “Mean Sea Level” means the vertical datum to which Base Flood Elevations shown on a communities Flood Insurance Rate Map are referenced, for purposes of the National Flood Insurance Program.

(5338) “Mineral extraction” includes activities involved in the extraction of minerals (excluding water) from the earth for industrial, commercial or construction uses.

(5439) “Minor improvement” means any repair, reconstruction, or improvement of a structure, the cost of which is less than 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “minor 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. However, this term does

not include: any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(5540) "Minor new development" means the following activities are considered minor new development:

(a) Construction or placement of a single-family dwelling and associated appurtenances, including a garage, deck, driveway, utilities, fence, and an associated home enterprise as defined and approved under CCC Title 33, Clallam County Zoning Code; provided, that all of the following criteria are met:

(i) Grading shall not exceed 500 cubic yards; and

(ii) Land disturbing activities shall not exceed 20,000 square feet, except that on parcels less than five acres, land disturbing activities must not exceed 15 percent of the gross parcel size; and

(iii) The total cumulative footprint of all structures on a parcel must be less than 4,000 square feet; and

(iv) The total cumulative impervious surface area on the parcel must be less than 10 percent of the gross parcel size; and

(v) All land disturbing activities must be located on slopes less than 15 percent; and

(vi) All land disturbing activities must comply with any critical area buffer and other protection standards established for parcels created by land division.

(b) Construction and practices normal or necessary for agriculture, including agriculture service roads and utilities, construction of an agriculture building less than 4,000 square feet in size used exclusively for agriculture; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of wetlands or streams by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary agriculture;

(c) Clearing, grading or filling less than one acre not associated with residential development or agriculture; provided, that mineral extraction is not involved; provided further, that no such activity shall occur within critical areas or their associated buffers inconsistent with this chapter.

(5641) "Monitoring" means the collection and analysis of data for the purposes of documenting changes in natural ecosystems and features. This includes gathering baseline data and follow-up data for evaluating the impacts of development on biological, hydrologic and geologic elements of such systems and assessing the performance of required mitigation measures.

(5742) "Native vegetation" means vegetation indigenous to the North Olympic Peninsula as found in *Flora of the Pacific Northwest* by Hitchcock and Cronquist, Univ. of Washington Press, 1972, as amended, or *Flora of the Olympic Peninsula* by N. Buckingham and E. Shreiner, 1995.

(58) "New construction" means (for the purposes of determining insurance rates) structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, which is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(5943) "Normal maintenance" means those acts that are usually necessary in order to prevent a decline, lapse or cessation of a lawfully established condition. It does not include additional placement

of fill on, or excavation of, previously undisturbed soils or slopes; clearing, removal, or cutting of trees greater than 12 inches in diameter at 4.5 feet, or total replacement of a structure.

(6044) “Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the regulated critical area. “Normal repair” does not include placement of fill; further excavation of native soils; or clearing and grading of previously undisturbed soils or slopes.

(6145) “Open space” means lands which are in a natural or undeveloped character because they have not been developed with structures, paving or other appurtenances. Open space lands can include: parks, recreation areas, conservation easements, critical area buffers, or tracts or commons designated as open space through a land division.

(6246) “Ordinary high water mark” means the mark on all lakes, streams and tidal waters which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that conditions existed on the effective date of this chapter, as it may naturally change thereafter, or as it may have changed thereafter in accordance with permits issued by a local government or the department; provided, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

(6347) “Performance standard” or “protection standard” means a measure, control, procedure, or process to ensure that critical areas are protected. For the purposes of this chapter, these terms have the same meaning as regulation.

(6448) “Person” means any individual or public or private entity (i.e., corporations).

(6549) “Pond” means a naturally existing or artificially created body of standing water less than 20 acres in size and not defined as “shorelines of the State” by Chapter 90.58 RCW (Shoreline Management Act). Ponds can include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A pond is bounded by the ordinary high water mark or the extension of the elevation of the pond’s ordinary high water mark within the stream, where the stream enters the pond.

(6650) “Practicable alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact to critical areas. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

(6751) “Priority habitat” means a seasonal range or habitat element with which a given species has a primary association, and if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding, nesting, feeding, foraging, and migratory habitat, winter range, movement corridors, and/or habitats that are of limited availability or high vulnerability to alteration. Priority habitats are established by the Washington Department of Wildlife within their Priority Habitats and Species Data Base.

(6852) “Priority species” include those which are State-listed endangered, threatened, sensitive, candidate and monitor species as well as priority game and nongame species under Chapter 232-12 WAC.

(6953) "Public facilities" means buildings or uses of land whether owned or leased, operated by a public agency for such purposes as providing places for public assembly and recreation, operating services of benefit to the public, or for the administration of public affairs.

(7054) "Public utility" means a business or service, either governmental or having appropriate approval from the State, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, sewer and/or wastewater, water, transportation or communications.

(7155) "Ravine" means a landform usually having little or no floodplain that develops adjacent to a stream, and has relatively steep side walls composed of unconsolidated materials or surficial deposits.

(7256) "Reasonable alternative" means an activity that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which the regulatory authority has authority to control impacts.

(7357) "Recreational vehicle" means a vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; provided, that the RV is not attached to any structure, including but not limited to decks, structures, additions, and storage buildings, regardless of size.

(7458) "Regional trail" means a public trail system that crosses between regional planning areas or jurisdictions, such as other counties, cities, or tribal reservations.

(7559) "Regulated use or activity" means any development proposal located within the jurisdiction of a regulated critical area which includes or directly affects a critical area or its buffer or is adjacent to a critical area. (See definition of adjacent and development.)

(7660) "Restoration" means the return of a critical area (e.g., stream or wetland) to a state in which its functions and values approach its unaltered state as closely as possible.

(7761) *Review Authority.* The "review authority" for this chapter is the applicable decision-maker for the specific task or permit decision, which may be the Board of Commissioners, the Clallam County Hearing Examiner, or the Administrator of the Department of Community Development, as prescribed by this chapter and/or Chapter 26.10 CCC, Consolidated Development Permit Process Code.

(7862) "Road" or "street" means any vehicular right-of-way which: (a) is an existing State, County or municipal roadway, (b) is a publicly owned easement, (c) is shown upon a land division pursuant to Clallam County Land Division Code (CCC Title 29), or (d) is a private access greater than 50 feet in length serving more than one property through right of use or easement. The road or street shall include all land within the boundaries of the road right-of-way.

(7963) "Salmonid" means a member of the fish family ~~salmonidae~~Salmonidae. In Clallam County these include chinook, coho, chum, sockeye and pink salmon; rainbow, steelhead, cutthroat trout; brown trout; Brook and Dolly Varden char, kokanee, and whitefish.

(8064) "Site investigation" means work necessary for land use application submittals such as surveys, soil logs, percolation tests or other related activities.

(8165) "Special flood hazard areas" means the floodway and adjoining land area. In a riverine system, this area is subject to a one percent or greater chance of flooding in any year, as determined by engineering studies acceptable to Clallam County. The coastal high hazard areas are included

within special flood hazard areas. Special flood hazard areas are designated on the Flood Insurance Rate Maps as A and V zones.

(8266) "Species of concern" means species classified as endangered, threatened, sensitive, candidate, or monitored by the Washington Department of Fish and Wildlife under Chapter [232-12](#) WAC. Monitored species shall include those species that are of special interest because they were at one time classified as endangered, threatened, or sensitive species that require habitat of limited availability during some portion of their life cycle.

(83) "Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimension of the building.

~~(67) "Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, or 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. However, this term does not include: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

(8468) *Stream Types*. For the purposes of this chapter, artificially created water conveyances, such as irrigation ditches, constructed in areas not already containing naturally flowing waters, are not classified as streams.

(a) "Type 1 water" means all waters, within their ordinary high water mark, as inventoried as "shorelines of the State" under Chapter [90.58](#) RCW and the rules promulgated pursuant to Chapter [90.58](#) RCW, but not including those waters' associated wetlands as defined in Chapter [90.58](#) RCW.

(b) "Type 2 water" shall mean segments of natural waters which are not classified as Type 1 water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(i) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(ii) Are within a federal, State, local, or private campground having more than 30 camping units; provided, that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

(iii) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations: (A) stream segments having a defined channel 20 feet or greater in width between the ordinary high water marks and having a gradient of less than four percent; (B) lakes, ponds, or impoundments having a surface area of one acre or greater at seasonal low water; or

(iv) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria: (A) the site must be connected to a stream bearing salmonids and accessible during some period of the year; and (B) the off-channel water must be accessible to juvenile salmonids through a drainage with less than a five percent gradient.

(c) "Type 3 water" shall mean segments of natural waters which are not classified as Type 1 or 2 water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(i) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(ii) Are used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have significant anadromous fish use: (A) stream segments having a defined channel of five feet or greater in width between the ordinary high water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet; (B) ponds or impoundments having a surface area of less than one acre at seasonal low water and having an outlet to an anadromous fish stream;

(iii) Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use: (A) stream segments having a defined channel of 10 feet or greater in width between the ordinary high water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent; (B) ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water; or

(iv) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.

(d) "Type 4 water" classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 water upstream until the channel width becomes less than two feet in width between the ordinary high water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 waters. These may be perennial or intermittent.

(e) "Type 5 water" classification, for the purposes of this regulation, shall be applied to all segments of natural waters within the bankfull widths of defined channels that are not classified as Type 1, 2, 3 or 4 waters and which are physically connected by an aboveground channel system, including but not limited to irrigation ditches, to downstream waters such that water or sediment

initially delivered to such waters will eventually be delivered to a Type 1, 2, 3 or 4 water. While irrigation ditches or other manmade water conveyances may be physically connected to a Type 5 water, all manmade irrigation ditches or other artificial water conveyances are not regulated by this chapter. Designation of Type 5 streams shall require review and confirmation by the Clallam County Habitat Specialist on a case-by-case basis, and shall be based on a consideration of stream segment length, sediment delivery potential to Type 1, 2, 3, or 4 waters, and desynchronization of flood water flows.

(8569) “Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed, on, above, or below the surface of the ground or water. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(86) “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(87) ~~(67)~~ “Substantial improvements” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, or 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. However, this term does not include: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(8870) “Toe of slope” means the lowermost topographic break in slope. Where no distinct break exists, this point shall be the lowermost limit of the landslide hazard area as defined and classified by this chapter.

(8974) “Top of slope” means the highest topographic break in slope. Where no distinct break in slope exists this point shall be the uppermost limit of the landslide hazard area as defined and classified by this chapter.

(9072) “Unavoidable and necessary impacts” means those impacts to critical areas that remain after a person proposing to alter such an area has demonstrated that no practicable alternative exists for the proposed project.

(9173) “Utility” means a fixed improvement which contains or conveys power, gas, oil, water, sewage, surface drainage, or communication signals.

(9274) “Water-dependent uses” means a use or portion of a use that cannot logically exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation. Water-dependent uses include, but are not limited to: aquaculture, boat launch facilities, ferry terminals, hydroelectric power plants, marinas, marine construction, dismantling and repair, marine and limnological research and education, private and public docks, terminal and transfer facilities for marine commerce and industry, water intakes and outfalls, log booming, tug and barge facilities, residential appurtenances such as beach access ramps and walkways, observation decks and platforms, picnic sites, and gazebos/shelters less than 250 square feet in size.

(93) “Variance” means a grant of relief by a community from the terms of a floodplain management regulation.

(9475) "Water-related uses" means a use or portion of a use that is not intrinsically dependent on a waterfront location, but which includes operations that cannot occur economically without a shoreline location or without close proximity to water-dependent uses. Water-related uses include, but are not limited to: warehousing or storage facilities; support services for fish hatcheries; seafood processing plants; wood products manufacturing; log storage; watercraft sales; boating supplies.

(9576) "Watershed" means the interconnected system of surface and near-surface water bodies that drain to a common outlet.

ADOPTED this _____ day of _____ 2025

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike French, Chair

ATTEST:

Randy Johnson

Loni Gores, MMC, Clerk of the Board

Mark Ozias

WA State Model Ordinance

12/09/2019 Version

Evaluation Sheet

Locality: _____ Clallam County _____

Reviewer's Name: _____ Michelle Parke _____

Ordinance No: _____

Review Date: _____

Ordinance Date: _____

Reason for Review: _____

Flood Zones: ☐A ☐AE/A1-30 ☐Floodway ☐AO (Appx. A) ☐V (Appx B) ☐VE/V1-30 (Appx. B)

Puget Sound BiOp Door 3 ☐Yes ☐No

CRS Level: _____

Criteria & Model Ordinance Reference	A	B	C	D	E	Federal Regulation Reference	County response
Section 1.0 - Statutory Authorization, Findings of Fact, Purpose, and Objectives						<i>(Not mandatory to adopt section 1.0)</i>	
1.1 Statutory Authorization The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the {Decision Making Body} of {Community Name} , does ordain as follows:							Language was in CCC 32.01 which was repealed in 1999 when consolidated to COA. Not adding this language to CAO
1.2 Findings of Fact The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadvertently anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.							Not adding

A = Flood Hazard Boundary Map

B = Flood Insurance Rate Map w/o Elevation

C = Flood Insurance Rate Map with BFE

D = Flood Insurance Rate Map with Floodways

E = Flood Insurance Rate Map with Floodways and V Zones

(√) OK (N) No (X) Other – please explain

Revised: October 2019

1.3 Statement of Purpose It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to: 1) Protect human life and health; 2) Minimize expenditure of public money for costly flood control projects; 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; 4) Minimize prolonged business interruptions; 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas; 6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; 7) Notify potential buyers that the property is in a Special Flood Hazard Area; 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and 9) Participate in and maintain eligibility for flood insurance and disaster relief.					27.12.500 Applicability and Purpose (in the CAO)	No change
1.4 Methods of Reducing Flood Losses In order to accomplish its purposes, this ordinance includes methods and provisions for: 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities, 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction; 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters; 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.						Not adding

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(√) OK (N) No (X) Other – please explain

Revised: October 2019

Section 2.0 – Definitions	Included		44 CFR 59.1 (Not mandatory to adopt all definitions as shown)
	Yes	No	
*Alteration of watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody. Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance. *Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area. *Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard". ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers. *Base flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). *Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood. *Basement: Any area of the building having its floor sub-grade (below ground level) on all sides. Building: See "Structure." Building Code: The currently effective versions of the International Building Code and the	✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓	<i>* Terms with one asterisk trigger a specific minimum requirement and must be adopted.</i> <i>Unless specifically defined below, terms or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage, and to give this ordinance the most reasonable application.</i> MISSING MANY DEFINITIONS Except those that are marked 27.12.900 (8)

A = Flood Hazard Boundary Map

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(✓) OK (N) No (X) Other – please explain

Revised: October 2019

International Residential Code adopted by the State of Washington Building Code Council.

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.

Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.

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

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

Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Elevated Building: For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Essential Facility: This term has the same meaning as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring

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27.12.900 (14)

Different definition... ok?

Also in IBC Appendix G102

Correct definition

MODIFIED

A = Flood Hazard Boundary Map

B = Flood Insurance Rate Map w/o Elevation

C = Flood Insurance Rate Map with BFE

D = Flood Insurance Rate Map with Floodways

E = Flood Insurance Rate Map with Floodways and V Zones

(v) OK

(N) No

(X) Other – please explain

Revised: October 2019

of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

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

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

***Flood or Flooding:**

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

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

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

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

***Flood Insurance Rate Map (FIRM):** The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones



27.12.900 (20)
Different definition
MODIFIED

27.12.900 (19)
Different definition

A = Flood Hazard Boundary Map

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(V) OK (N) No (X) Other – please explain

Revised: October 2019

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

***Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

***Floodplain administrator:** The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

***Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

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

***Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

***Historic structure:** Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily

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27.12.510 and 27.12.900(21)

modified

27.12.900 (1)

27.12.510 and 27.12.900(22)

A = Flood Hazard Boundary Map

B = Flood Insurance Rate Map w/o Elevation

C = Flood Insurance Rate Map with BFE

D = Flood Insurance Rate Map with Floodways

E = Flood Insurance Rate Map with Floodways and V Zones

(✓) OK

(N) No

(X) Other – please explain

Revised: October 2019

determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a) By an approved state program as determined by the Secretary of the Interior, or b) Directly by the Secretary of the Interior in states without approved programs. *Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings). Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. *Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced. *New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after	✓	✓ ✓	
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A = Flood Hazard Boundary Map

(v) OK

(N) No

(X) Other – please explain

B = Flood Insurance Rate Map w/o Elevation

C = Flood Insurance Rate Map with BFE

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the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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

One-hundred-year flood or 100-year flood: See "Base flood."

Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

***Recreational Vehicle:** A vehicle,

- 1) Built on a single chassis;
- 2) 400 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.

***Start of construction:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not

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27.12.900 (57)

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include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

***Structure:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

***Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

- 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

***Variance:** A grant of relief by a community from the terms of a floodplain management regulation.

Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Dependent: A structure for commerce or industry that cannot exist in any other location and

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27.12.900 (69)
Not the floodplain management
definition

MODIFIED

27.12.900 (67)

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Not the floodplain management definition

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(X) Other – please explain

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is dependent on the water by reason of the intrinsic nature of its operations.			
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Section 3.0 – General Provisions	A	B	C	D	E		County response
3.1 Lands to Which This Ordinance Applies (44 CFR 59.22(a)) This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name}.						(44 CFR 59.22(a)) 35.35.160 (2) <i>(In SMP)</i> 27.12.500 - all frequently flooded areas which include floodway floodplains and SFHA	No change
3.2 Basis for Establishing the Areas of Special Flood Hazard The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for {exact title of study}" dated {date}, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date}, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at {community address}. The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.						Mandatory (44 CFR 60.3 (preamble) and 44 CFR 60.2(h)). *In some communities, the phrase "and any revisions thereto" is not considered legally binding and should not be adopted. The exact title of the study is "Clallam County, WA and Incorporated Areas dated April 23, 2025"... 35.35.150 <i>Slightly different: "are designated as frequently flooded areas"</i> 27.12.510 (2)	Changed so it is the same as the SMP with the new date. Will update SMP when periodic review occurs.

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3.3 Compliance All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.					Mandatory (44 CFR 60.2(h)) MISSING Is this in CAO somewhere?	27.12.025-code establishes controls and protection of critical areas Part five 27.12.510 includes special flood hazard areas.
3.4 Penalties For Noncompliance No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ or imprisoned for not more than ____ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the _____ from taking such other lawful action as is necessary to prevent or remedy any violation.					Mandatory (44 CFR 60.2(h)) MISSING	27.12.025 and 27.12.030 27.12.055(1) A violation is:... Title 20 establishes the process and methods to achieved compliance 20.28.010 Penalties schedule provision
3.5 Abrogation and Greater Restrictions This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.					MISSING	27.12.025(6)discusses conflict with other chapters Added statement to 27.12.500 in applicability section
3.6 Interpretation In the interpretation and application of this ordinance, all provisions shall be: 1) Considered as minimum requirements; 2) Liberally construed in favor of the governing body; and, 3) Deemed neither to limit nor repeal any other powers granted under state statutes.					Recommended (Not mandatory)	Not added
3.7 Warning And Disclaimer of Liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood					Recommended (Not mandatory) 32.02.060	Included, no change

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heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of {Community Name}, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.						27.12.060	
3.8 Severability This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.						Mandatory (44 CFR 60.1(b)) The severability cause may be included in the adopting ordinance and left uncodified. 27.12.065	Included, no change

Section 4.0 – Administration	A	B	C	D	E		County response
4.1 Establishment of Development Permit 4.1-1 Development Permit Required A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."						Mandatory (44 CFR 60.3(b)(1)) 27.12.700 (Application Requirements) Different language	IRC 322.1.9 provides specific requirements for development permits for manufactured homes No change
4.1-2 Application for Development Permit Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required: 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all						Note: The format of Section 4.1-2 is not mandatory but the elevation information in subsection 1 and information in subsections 2 through 7 is mandatory.	IRC 322 establishes these requirements for permits IBC Appendix G105 is sufficient along with IRC 322

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structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator. 2) Elevation in relation to mean sea level to which any structure has been flood proofed; 3) Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5.2-2; 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; 5) Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate; 6) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and 7) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.					<i>Elevation Certificates are not mandatory outside of Community Rating System communities but highly recommended.</i> Where are these requirements? Is this in building code?? Don't see it in 27.12.700 IBC Appendix G105 Is this sufficient?? 32.02 – preliminary determination of floodplain property elevation	
4.2 Designation of the Floodplain Administrator The {job title of the appropriate administrative official} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.					<i>Mandatory (44 CFR 59.22(b)(1))</i> 32.02.040 <i>Designates building official and planning director to do a preliminary elevation determination</i> 27.12.700 (2) <i>refers to 26.10 Administrator is the Director of the Department of Community Development and/or his/her designee – is this correct?</i>	<i>No change</i> <i>27.12.900(1) identified DCD director as administrator of the critical areas code</i>

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					IBC Appendix G <i>Who is floodplain administrator?</i>	
4.3 Duties & Responsibilities of the Floodplain Administrator Duties of the (<i>Floodplain Administrator</i>) shall include, but not be limited to:					<i>Mandatory, (44 CFR 60.1 (b))</i>	
4.3-1 Permit Review Review all development permits to determine that: 1) The permit requirements of this ordinance have been satisfied; 2) All other required state and federal permits have been obtained; 3) The site is reasonably safe from flooding; 4) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met. 5) Notify FEMA when annexations occur in the Special Flood Hazard Area.					<i>Mandatory, (44 CFR 60.1 (b))</i> IBC Appendix G104.1-2 (partial)	<i>No change. There are no additional state requirements beyond the building code, so the statement is moot. What federal permits should we be aware of? On the applicant to get permits not the County. DCD is only notified of annexations since it is our areas annexed into the cities. Cities should be notifying FEMA.</i>
4.3-2 Use of Other Base Flood Data (In A and V Zones) When base flood elevation data has not been provided (in A or V zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Floodplain 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 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.					<i>Mandatory (44 CFR 60.3(b)(4))</i> 27.12.510 (2)	<i>Added language from SMP regarding special flood hazard areas regarding alteration of data</i>
4.3-3 Information to be Obtained and Maintained 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. 2) Documentation of the elevation of the bottom of the lowest horizontal structural					<i>Required, verbatim (44 CFR 60.3 (b)(5))</i> MISSING most but see G104.8 Records <i>(44 CFR 60.3(b)(5)(i) and (iii))</i>	<i>No change. Requirement of elevation certificates, which are kept on file with building permits and cover this information.</i>

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member in V or VE zones. 3) For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 4.3-2: a) Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed. b) Maintain the flood proofing certifications required in Section 4.1-2(3). 4) Certification required by Section 5.4.1 (or the numbering system used by the community) (floodway encroachments). 5) Records of all variance actions, including justification for their issuance. 6) Improvement and damage calculations. 7) Maintain for public inspection all records pertaining to the provisions of this ordinance.					(44 CFR 60.3(e)(2)) (44 CFR 60.3(b)(5)(i) and (iii)) (44 CFR 60.3(b)(5)(ii)) (44 CFR 60.3(b)(5)(iii)) (44 CFR 60.3(d)(3)) IBC Appendix G106.2 Records (44 CFR 60.6(a)(6)) (44 CFR 60.3(b)(5)(iii))	
4.3-4 Notification to Other Entities Whenever a watercourse is to be altered or relocated: 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.					<i>Mandatory</i> 27.12.040 (12) (44CFR 60.3(b)(6)) (44CFR 60.3(b)(7))	<i>No change, noted in 27.12.045(12)</i>
4.3-5 Interpretation of FIRM Boundaries Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary					(This section is not required, but if the Local Administrators are performing this task on a	<i>Not making interpretations of FIRM Boundaries,</i>

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shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.					regular basis, it should be adopted.) MISSING (44 CFR 59-76)	not adding language. Have applicants deal directly with FEMA on interpretations of the boundaries. Must produce letter from FEMA on any variations.
4.3-6 Review of Building Permits Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (Section 4.3-2), applications for floodplain development shall be reviewed to assure that proposed construction will be <i>reasonably safe from flooding</i> . The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. (Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)					Mandatory (44 CFR 60.3(a)(3)) MISSING	Covered under R322.2.1 IRC
4.3-7 Changes to Special Flood Hazard Area 1) If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR. 2) If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.					Recommended. However, be aware that 44 CFR 65.3 requires communities to submit new technical information regarding changes affecting flooding conditions. Section 4.3-7 gives a community the authority to require necessary information from project proponents. 35.35.150 (1) Should mention CLOMR?	Added to 27.12.510

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Section 5.0 – Provisions for Flood Hazard Reduction	A	B	C	D	E	(Section 5.0 is required)	County response
5.1 General Standards In all areas of special flood hazards, the following standards are required:						WHERE ARE THESE??	Located in the IRC
5.1-1 Anchoring 1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. 2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.						<i>Mandatory</i> <i>(44 CFR 60.3(a)(b))</i> IBC 1612 says design and construction of buildings must follow Ch 5 of ASCE 24 1612.4 Flood Hazard documentation? <i>(44 CFR 60.3(a)(3)(i))</i> <i>(44 CFR 60.3(b)(8))</i> <i>For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."</i>	R322.1.9 IRC
5.1-2 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.						<i>Mandatory</i> <i>(44 CFR 60.3(a)(3)(ii-iv))</i> MISSING	R322.1.8 IRC

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5.1-3 Storage of Materials and Equipment 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas. 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.					<i>(recommended)</i>	<i>IRC</i>
5.1-4 Utilities 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; 2) Water wells shall be located on high ground that is not in the floodway;* 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.					<i>Mandatory (44 CFR 60.3(a)(5)(6))</i> <i>IBC Appendix G 114 addresses utilities but does not have the same language/requirements</i> G108.3-4 address 1 and 3 MISSING 2 and 4 <i>WAC 173-160-171 prohibits new water wells in floodways.</i>	<i>WAC 246-272A requires report of soil and site to include "existence of designated flood plains and other areas identified in the local management plan required in WAC 246-272A-0015"</i> <i>CCC CCHR 41.20(7)</i> <i>WAC 246-272A-0210 separates OSS dispersal and well</i>
5.1-5 Subdivision Proposals and Development All subdivisions, as well as new development shall: 1) Be consistent with the need to minimize flood damage; 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; 3) Have adequate drainage provided to reduce exposure to flood damage. 4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5					<i>Mandatory (44 CFR 60.3(a)(4) and (b)(3))</i> 35.35.160 (4-5) MISSING 4 27.12.515 (2)(B) ADDITIONAL STANDARDS (A) AND (C)	<i>Changed the word generated in 27.12.515(2b) to state "included as part of the application"</i>

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acres (whichever is the lesser) base flood elevation data shall be included as part of the application.						
5.2 Specific Standards In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:					Mandatory (44 CFR 60.3(c)(1)) (Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow below-grade crawlspace construction for buildings located in the special flood hazard areas. However, the standards in 11-01 must be specifically adopted, and adopting them can result in a 20% increase in flood insurance premiums.) MISSING	R 322 IRC
5.2-1 Residential Construction 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE. 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A. 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade. 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B. 5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and					Mandatory (44 CFR 60.3(c)(2) and (5)) MISSING (44 CFR 60.3(c)(7)) (44 CFR 60.3(b)(2)) (44 CFR 60.3(e)) (44 CFR 60.3(c)(5))	R 322 IRC

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(√) OK (N) No (X) Other – please explain

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exit of floodwaters. Designs must meet or exceed the following minimum criteria: a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. b) The bottom of all openings shall be no higher than one foot above grade. c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater. d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters. Alternatively, a registered engineer or architect may design and certify engineered openings.						
5.2-2 Nonresidential Construction New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2, below. 1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements: a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above					<i>Mandatory (44 CFR 60.3(c)(3) and (4))</i> MISSING	<i>Appendix G G115</i>

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(√) OK (N) No (X) Other – please explain

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the BFE, or as required by ASCE 24, whichever is greater. b) If located in an AO zone, the structure shall meet the requirements in Appendix A. c) If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade. d) If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Appendix B. e) 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: i) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. ii) The bottom of all openings shall be no higher than one foot above grade. iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater. iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters. Alternatively, a registered engineer or architect may design and certify engineered openings. 2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any						
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(V) OK (N) No (X) Other – please explain

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commercial, industrial or other nonresidential structure shall meet all of the following requirements: a) Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater; b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2); d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 5.2-1(2); (Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)						
5.2-3 Manufactured Homes 1) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation					<i>Mandatory (44 FR 60.3(c)(6)(12))</i> IBC Appendix G109.1 says "elevated to or above the design flood elevation." Which is?? G109.3 meets anchoring standard	<i>IRC and IBC Chapter 2 provides definitions</i> <i>Design flood elevation: The elevation of the "design flood," including wave height, relative to</i>

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system to resist flotation, collapse and lateral movement*. This applies to manufactured homes: - Outside of a manufactured home park or subdivision, - In a new manufactured home park or subdivision, - In an expansion to an existing manufactured home park or subdivision, or - In an existing manufactured home park or subdivision on a site which a manufactured home has incurred "substantial damage" as the result of a flood; and 2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions be elevated so that either: - The lowest floor of the manufactured home is elevated one foot or more* - The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.					(* If this phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.)	the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet (610 mm).
5.2-4 Recreational Vehicles Recreational vehicles placed on sites are required to either: - Be on the site for fewer than 180 days, or - 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 - Meet the requirements of 5.2-3, above.					<i>Mandatory</i> (44 CFR 60.3(c)(14)) 27.12.515 (4) Also 35.35.160 (7)	no change
5.2-5 Enclosed Area Below the Lowest Floor					(44 CFR 60.3(c)(5)) G109.5 Enclosures	no change

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If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.						References R322 of International Residential Code	
5.2-6 Appurtenant Structures (Detached Garages & Small Storage Structures) For A Zones (A, AE, A1-30, AH, AO): 1) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements: a) Use of the appurtenant structure must be limited to parking of vehicles or limited storage; b) The portions of the appurtenant structure located below the BFE must be built using flood resistant materials; c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement; d) Any machinery or equipment servicing the appurtenant structure must be elevated or flood proofed to or above the BFE; e) The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1; f) The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5). g) The structure shall have low damage potential, and h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use. i) The structure shall not be used for human habitation. 2) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in						<i>Recommended</i> G112.1 references ASCE 24	<i>no change</i>

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accordance with all applicable standards in Section 5.2-1. 3) Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.							
5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.						<i>Mandatory</i> (44 CFR 60.3(c)(10)) IBC Appendix G104.4	<i>no change</i>
5.4 Floodways Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:						<i>(Note the more restrictive language for floodway development per RCW 86.16)</i>	
5.4-1 No Rise Standard Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.						(44 CFR 60.3(d)(3)) IBC Appendix G104.5 BUT 27.12.515(3) allows 1ft rise in the floodway which is NOT acceptable	27.12.515(3)(a) specifically states "shall not increase the water surface elevation of the base flood more than one foot at any point."
5.4-2 Residential Construction in Floodways Construction or reconstruction of residential structures is prohibited within						<i>Mandatory</i> (RCW 86.16.041)	<i>No change</i>

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designated floodways*, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent. 1) Replacement of Farmhouses in Floodway Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following: a) The new farmhouse is a replacement for an existing farmhouse on the same farm site; b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway; c) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse; d) A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing; e) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse; f) For substantial improvements and replacement farmhouses,				<i>However, subsections 1 and 2 can be eliminated at local option.</i> 35.35.160 (8)(a) Also 27.12.040 (2) And 27.12.510 (6)(a)	
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the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE; g) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system; h) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage. 2) Substantially Damaged Residences in Floodway a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory						
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floodway, no repair or replacement is allowed per WAC 173-158-070(1). b) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met: i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway. ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size. iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment. iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE. v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system. vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters. vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.						
5.4-3 All Other Building Standards Apply in the Floodway					<i>Mandatory (44 CFR 60.3(d)(1-4))</i>	

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If Section 5.4-1 is satisfied or construction is allowed pursuant to Section 5.4-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, Provision For Flood Hazard Reduction.						MISSING	<i>IRC R322.1.4.2</i>
5.5 General Requirements for Other Development All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any {community name} amendments, shall: 1) Be located and constructed to minimize flood damage; 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway; 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; 4) Be constructed of flood damage-resistant materials; 5) Meet the flood opening requirements of Section 5.2-1(5), and 6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.						<i>(Optional Provision)</i>	<i>Not adding</i>

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5.6 Critical Facility Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.				(Optional Provision) 35.35.160 (3) Standards are vague 27.12.515 Critical facilities prohibited in frequently flooded areas	No change
5.7 Livestock Sanctuary Areas Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter. Note: To be "elevated sufficiently to protect livestock" typically means to be elevated at least one foot above the BFE.				Required by RCW 86.16.190. This section should be included by all counties. A city that does not allow livestock can forgo this section. While state law requires that local governments make provision for critter pads, it is extremely important to note that RCW 86.16.190 does not relax NFIP standards, including the no rise standard in floodways, in any way. MISSING	Added as 27.12.515(3)(b) as a land disturbing activity that can be waived as long as it does not relax NFIP standards

Section 6.0 - Variances	A	B	C	D	E		County response
The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional						Recommended	

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hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. It is the duty of the {governing body} to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.						
6.1 Requirements for Variances 1) Variances shall only be issued: a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; d) Upon a showing of good and sufficient cause; e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant; f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 {or the numbering system used by the					<i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i> 27.12.725 <i>Some items</i> IBC Appendix G106.7(1-5)	<i>No change proposed, have never issued a variance from floodplain standards through this program.</i>

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community} of this ordinance in the definition of "Functionally Dependent Use." 2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result. 3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4.0 and 5.0 {or the numbering system used by the community} of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.					27.12.710 (2)(b) Also IBC Appendix G 106.5 Restrictions	
6.2 Variance Criteria 1) In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and: 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 time of flood for ordinary and emergency vehicles; j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and, 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,					<i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i> IBC Appendix G106.6(1-10)	<i>No change</i>

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electrical, water system, and streets and bridges.							
6.3 Additional Requirements for the Issuance of a Variance 1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that: - The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and - Such construction below the BFE increases risks to life and property. 2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance. 3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met. Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.						<i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i>	<i>Not adding</i>

APPENDIX A - STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)	A	B	C	D	E	(44 CFR 60.3(c)7, 8 and 11)	County response
Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:						(Optional Provision)	See IRC 322

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1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified). 2. New construction and substantial improvements of nonresidential structures within AO zones shall either: a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(3). 3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. 4. Recreational vehicles placed on sites within AO zones on the community's FIRM either: a. Be on the site for fewer than 180 consecutive days, or b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or c. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2)).						44 CFR 60.3(c)(7)	
						44 CFR 60.3(c)(8)	
						44 CFR 60.3(c)(8)(ii)	
						44 CFR 60.3(c)(11)	

APPENDIX B - STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)	A	B	C	D	E	44 CFR 60.3(e)(2 – 8)	County Response
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Revised: October 2019

Located within areas of special flood hazard established in Section 3.2 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:		(Optional Provision)	See IRC 322 for missing V zone section
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:		44 CFR 60.3(e)(4)	
a) Elevation:		MISSING entire V Zone section	
i) Residential Buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level.		44 CFR 60.3(e)(4)(i)	
ii) Nonresidential buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; and			
b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).		44 CFR 60.3(e)(4)(ii)	
A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a)(i) and (2)(a)(ii).			
2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The (Floodplain Administrator) shall maintain a record of all such information.		44CFR 60.3(e)(2)	
3. All new construction within zones V1-30, VE, and V on the community's FIRM shall be			

A = Flood Hazard Boundary Map

B = Flood Insurance Rate Map w/o Elevation

C = Flood Insurance Rate Map with BFE

D = Flood Insurance Rate Map with Floodways

E = Flood Insurance Rate Map with Floodways and V Zones

(√) OK (N) No (X) Other – please explain

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located landward of the reach of mean high tide. 4. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with 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 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions: a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation. 5. Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM. 6. Prohibit man-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage. 7. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites: a) Outside of a manufactured home park or subdivision, b) In a new manufactured home park or subdivision, c) In an expansion to an existing manufactured home park or					44 CFR 60.3(e)(3) 44 CFR 60.3(e)(5) 44 CFR 60.3(e)(5)(i) 44 CFR 60.3(e)(6) 44 CFR 60.3(e)(7)	
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A = Flood Hazard Boundary Map

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(v) OK (N) No (X) Other – please explain

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FEMA Comments for Clallam County Floodplain Regulations

4.1 Development Permit Required

- IRC 322.1.9 does not indicated a permit is required for any development in the SFHA...

IRC Chapter 1 has the following code sections regarding the permits and documents required for floodplain construction.

R105.1 Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

R106.1 Submittal documents.

Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets, or in a digital format where allowed by the building official, with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

R106.1.4 Information for construction in flood hazard areas.

For buildings and structures located in whole or in part in flood hazard areas as established by [Table R301.2](#), construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade.
3. The elevation of the bottom of the lowest horizontal structural member in coastal high-hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in [Table R301.2](#) or otherwise delineated by the jurisdiction.
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

R109.1.3 Floodplain inspections.

For construction in flood hazard areas as established by [FEMA 380](#), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in [Section 322](#).

- **this section is mandatory to be in compliance with the NFIP** Do you mean this specific language must be in the Critical Areas Code or that the existing language in 27.12.700 and IRC 322.1.9 does not meet this requirement?
- **it was in section 27.12.700 but that seems to have been removed? Is there a reason for this?** Since we are not making changes to 27.12.700 it is not included in the packet of changes. It causes confusion to include portions of the code that are not being altered during public review, but since this exists it would appear we are compliant.

4.2 Designation of floodplain administrator

- need to add this as a separate section outside of what you have in the definitions
- this language designates the DCD to administer, implement, and enforce the ordinance and grant/deny development permits [We will add](#).

4.3-1 Permit Review

- federal permits required depend on the development
- 60.3(a)(2) requires communities to review proposed development to assure that all necessary permits have been received [We will add](#)

5.2-2 Nonresidential Construction

- you reference Appendix G115 for this section but there is nothing that informs me of the requirements
- Can you please specify/expand on how G115 meets the NFIP requirements for nonresidential construction?
[G115 informs the designer of nonresidential buildings to design to ASCE24-14 titled Flood Resistant Design and Construction.](#)

5.4-1 No Rise Standard

- there is NO rise allowed in a floodway. This **MUST** be changed
- 1 ft of rise is allowed in an A Zone but not in a floodway
- 44 CFR 60.3(d)(3) states: "Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the

base flood discharge” I believe this is what that section means, at least that is how it is being interpreted. Change made to reflect 0.0 rise.