

Title 16
ENVIRONMENT

Chapters:

- 16.39 Environmental (SEPA) Procedures
- 16.50 Critical Areas and Resources
- 16.60 City of Pullman Shoreline Master Plan
- 16.60 ~~Historic Preservation~~ Floodplain Management District

Chapter 16.60
FLOODPLAIN MANAGEMENT DISTRICT

Sections:

- 16.60.010 Purposes.
- 16.60.020 Definitions.
- 16.60.030 General Provisions.
- 16.60.040 Administration.
- 16.60.050 Standards and Guidelines.
- 16.60.060 Development in the Floodway.
- 16.60.070 Manufactured Homes in the Floodplain.
- 16.60.080 Floodplain Variance.

16.60.010 Purposes.

This Chapter is to minimize public and private losses due to flood conditions, and to maintain community eligibility in the National Flood Insurance Program.

The floodplain areas of the City are subject to periodic flooding, which may result in loss of life and property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the City's tax base, all of which adversely affect the public health, safety, and general welfare. These potential flood losses are increased by the presence of obstructions which increase flood heights and velocities. (Ord. ~~87-9 §1, 1987 24-X~~).

16.60.020 Definitions.

For this Chapter, the following words and phrases will have the following meanings:

- (1) *Appeal*. A request for a review of the interpretation of any provision of this ordinance or a request for a variance.
- (2) *Areas of Special Flood Hazard*. The land in the floodplain within a community subject to a ~~one percent~~ 1% or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

- (3) *Base Flood.* That level of water reached by a flood within the City which has a ~~one percent~~ 1% chance of being equaled or exceeded in any given year, as depicted by, or represented by the Flood Insurance Study.
- (4) *Basement.* Any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level will be classified as a basement unless such floor level qualifies as a first story as defined in the International Building Code.
- (5) *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, installations which produce, use, or store hazardous materials or hazardous waste.
- (6) *Development.* Any man-made change to improved or unimproved real estate or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials, located within the floodway or floodplain as defined in this Chapter. Development specifically includes the placement of manufactured homes on land, whether or not placement is within an existing or new manufactured home park.
- (7) *Director.* The Director of Public Works of the City of ~~Pullman~~ or their designee.
- (8) *Elevated Building.* For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- (9) *Existing Manufactured Home Park or Subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.
- (10) *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).
- (11) *Flood or Flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from
 - (a) the overflow of inland waters; and/or
 - (b) the unusual and rapid accumulation of runoff of surface water from any source.
- (12) *Floodplain Development Permit.* The development permit required for ~~any and~~ all construction and/or development of land or buildings within the floodplain. It may also be referred to as “development permit.”

- (13) *Flood Insurance Rate Map (FIRM)*. The official map on which the Federal Insurance Administration has delineated the base flood level and the risk premium zones applicable to the city.
- (14) *Flood Insurance Study (FIS)*. That document compiled by the Federal Insurance Administration (FIA) entitled Flood Insurance Study, including flood profiles and the water surface elevation of the base flood and as hereafter revised or amended.
- (15) *Floodplain*. The relatively flat areas or lowlands adjoining the channel of a river, stream, watercourse, lake, or other body of water, which have been or may be covered by flood water. For ~~the purpose of~~ this Chapter, “floodplain” includes those areas now or hereafter included within the city City which is defined as “land within a community subject to a one (1) percent or greater chance of flooding in any given year” and as indicated on the Flood Profiles and the Flood Boundary and Floodway Maps included in the ~~Flood Insurance Study FIS~~. In the areas not included in said study, the floodplain includes all areas subject to floods at stream flow rates comparable to those set forth in the ~~Flood Insurance Study FIS~~ as constituting the base flood level. The location of the floodplain may be revised by the director based on conditions which may alter its location. Any such revisions may be based upon
 - (a) data utilized in the ~~Flood Insurance Study FIS~~; and
 - (b) changes in elevations of areas within the floodplain occurring since the last revision affecting such areas; or,
 - (c) channel changes.
- (16) *Floodplain Variance*. A variance granted from the requirements of ~~17.100.050(3) and (8) of this Chapter~~ 16.60.050(3) and 16.60.050(8). It does not include any variance granted under ~~Chapter PCC~~ 17.130.
- (17) *Flood Season*. That period ~~of time~~ from the first day of December to the first day of April, or any other period ~~of time~~ based upon meteorological conditions which the Council by resolution may provide upon recommendation of the ~~director~~ Director.
- (18) *Floodway*. The channel of a river or other watercourse and the adjacent land areas that must be reserved ~~in order~~ to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point. For ~~the purpose of~~ this Chapter the present limits of the floodway are those designated on the Floodway Maps contained in the ~~Flood Insurance Rate Maps FIRM~~. The location of the floodway may be revised by the ~~director~~ Director with concurrence from the FEMA regional office based on conditions which may alter its location. Any such revisions may be based upon
 - (a) data utilized by the ~~Flood Insurance Study FIS~~; and,
 - (b) changes in elevations of areas within the floodway occurring since the last revision affecting such area; or
 - (c) channel changes.

- (19) *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 Chapter.
- (20) *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."
- (21) *Manufactured Home Park or Subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (22) *New Construction.* Structures for which the start of construction was on or after December 21, 1978.
- (23) *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.
- (24) *Recreational Vehicle.* A vehicle which is:
- (a) built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) designed to be self-propelled or permanently towable by a light-duty truck; and,
 - (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (25) *Start of Construction.* The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other substantial improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as cleaning, grading, or filling, the installation of streets or sidewalks, the excavation for a basement, footings, piers, or foundations, the erection of temporary forms, or the installation of accessory buildings on property such as garages or sheds not occupied as dwelling units or not a part of the main structure.
- (26) *Structure.* A walled and roofed building including a gas or liquid storage tank that is principally above ground.

- (27) *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~~ 50% of the market value of the structure before the damage occurred.
- (28) *Substantial Improvement.* Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds ~~fifty (50) percent~~ 50% of the value of the structure either:
- (a) before the improvement or repair is started; or
 - (b) before the damage occurred, if the structure has been damaged and is being restored.
- For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
- (i) 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
 - (ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (29) *Variance.* A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
- (30) *Water Dependent.* A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 10-2 §1, 2010; Ord. 01-5 §11, 2001; Ord. 89-1 §1, 1989; Ord. 87-9 §1, 1987 24-X).

16.60.030 General Provisions.

- (1) *Lands to Which this Chapter Applies.* This Chapter ~~shall~~ will apply to all areas of special flood hazard within the jurisdiction of the city and, as an “overlay zone,” ~~shall~~ City and will impose requirements on such areas in addition to those of the ~~zone~~ zoning districts in which such areas are located.
- (2) *Basis for Establishing the Floodplain Areas.* The areas of special flood hazard identified by the Federal Insurance Administration, in a scientific engineering report entitled Flood Insurance Study - City of Pullman, Washington, dated May 19, 1981, and any revisions thereto, with accompanying flood insurance rate maps, and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter. The ~~Flood Insurance Study FIS~~ and the FIRM are on file in the ~~city of Pullman Office of Public Works, S.E. 325 Paradise Street, Pullman, Washington~~ Department of Public Works. The best available information for flood hazard area identification ~~shall~~ will be the basis for regulation until a new FIRM is issued.

- (3) *Compliance.* No structure or land located in a floodplain ~~shall~~ will hereafter be constructed, located, extended, converted, or altered without full compliance with the ~~terms of this Title~~ Pullman City Code.
- (4) *Floodplain Development Permit Required.* It ~~shall~~ will be unlawful to begin construction or development within a floodplain area as established by this Chapter without first obtaining a development permit. A development permit ~~shall~~ will be required for all development and must bear the signature of the ~~director~~ Director.
- (5) *Warning and Disclaimer of Liability.* The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods than the minimum provisions of this Chapter may not protect against and will occur on rare occasions. Flood heights may be increased by natural or man-made causes. This Chapter does not imply that land outside the floodplain areas or uses permitted within such areas will be free from flooding or flood damages. Reliance on this Chapter alone ~~shall~~ will not create liability on the part of the ~~city~~ City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that may result from reliance on this Chapter or any administrative decision, variance, or appeal lawfully made thereunder. (Ord. ~~10-2 §2, 2010; Ord. 89-10 §1, 1989; Ord. 89-1 §2, 1989; Ord. 87-9 §1, 1987~~ 24-X).

16.60.040 Administration.

- (1) The ~~director shall~~ Director will administer, interpret, and enforce the provisions of this Chapter.
- (2) Applications for Floodplain Development Permits are subject to the following requirements:
 - (a) Application for a development permit ~~shall~~ will be made by the property owner or ~~his~~ their authorized agent and filed with the ~~director~~ Director on forms provided by the ~~city~~ City. The application for a development permit ~~shall~~ will be accompanied by required fees. The fees for a development permit ~~shall~~ will be set by Resolution of the City Council. The development permit fee is not refundable. The development permit and fee required herein ~~shall~~ will be in addition to any other permit and fee required by ~~this Code~~ the Pullman City Code.
 - (b) The application for a Floodplain Development Permit ~~shall~~ will include all information required for any other development application with which it may be filed, and a copy of the construction drawings and elevations and three (3) copies, [one (1) reproducible] no larger than 8-1/2" X 14" of the site plan, drawn to scale, and showing lot lines and dimensions of existing and proposed structures, landscaping, fences or walls, ground elevations of the area, proposed fill or grading, storage of materials, drainage facilities and any other information deemed necessary by the director in order to fulfill the objectives of this Chapter. The following specific information is always required:

- (i) the elevation in relation to mean sea level of the lowest floor, including basement, of existing and proposed structures;
 - (ii) the elevation in relation to mean sea level to which any structure has been or is proposed to be floodproofed; and,
 - (iii) a description of the extent to which any water course will be altered or relocated, as a result of a proposed development.
- (3) Applications for the development permit ~~shall~~ will be processed jointly with the application for any and all other permits required by ~~this Code~~ the Pullman City Code.
- (4) The decision of the ~~director~~ Director to issue, deny, or conditionally issue a permit may be appealed to the ~~hearing examiner~~ Hearing Examiner.
- (5) The ~~director shall~~ Director will:
- (a) review all development permits to assure compliance with the requirements of this Chapter;
 - (b) review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;
 - (c) review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, the ~~director shall~~ Director will assure that the provisions of ~~17.100.060 PCC~~ 16.60.060 are met;
 - (d) obtain and maintain information on
 - (i) Where base flood elevation data is provided through the ~~Flood Insurance Study FIS~~, or FIRM, obtain and record 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.
 - (ii) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, or FIRM
 - (aa) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - (bb) Maintain the floodproofing certifications as required in ~~Section 17.100.050(4)(f)~~ PCC 16.60.050(4)(f).
 - (iii) Maintain for public inspection all records pertaining to the provisions of this ordinance.
 - (e) notify Whitman County and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

- (f) require the applicant to provide maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (g) interpret the Floodplain Boundary Map and as necessary, make interpretations as to the exact location of the boundaries of the areas of floodway and floodplain. For example, an interpretation would be necessary where there appears to be a conflict between a mapped boundary and actual field conditions. A permit applicant must make a written request to the ~~director~~ Director for an interpretation of location of the boundary. The ~~director shall~~ Director will, within ~~thirty (30)~~ 30 days, respond to the request with a written determination of the location of the boundary. The written determination ~~shall~~ will cite supporting data and maps. The permit applicant may appeal to the ~~hearing examiner~~ Hearing Examiner.
- (h) in cooperation with the director of public safety, prepare an evacuation plan indicating alternate vehicular access and evacuation routes for all residents living in areas located below base flood level or having principal access below the base flood level;
- (i) submit an annual report to the Federal Insurance Administration concerning the ~~city's~~ City's participation in the program and the development and implementation of floodplain management regulations;
- (j) notify the Federal Insurance Administration whenever the boundaries of the ~~city~~ City have been modified by annexation or the ~~city~~ City has otherwise assumed or no longer has authority to adopt or enforce floodplain management regulations for a certain area. A copy of a map, suitable for reproduction, clearly delineating the new corporate limits or area for which the city has assumed responsibility, ~~shall~~ will be included. (Ord. ~~22-2~~ §8, 2022; Ord. ~~10-2~~ §3, 2010; Ord. ~~89-1~~ §3, 1989; Ord. ~~87-9~~ §1, 1987 24-X).

16.60.050 Standards and Guidelines.

- (1) In the Floodplain Management District, the following standards for construction, development, and substantial improvement ~~shall~~ will be met to the satisfaction of the ~~director~~ Director:
 - (a) The proposed construction ~~shall~~ will be consistent with other land use regulations of the ~~city~~ City. If the ~~director~~ Director deems it necessary to obtain further review, either for land use or flood protection regulations, the ~~director~~ Director may refer the matter for advice to the ~~planning commission~~ Planning Commission, but final decision on issuance, denial, or conditional issuance of a development permit rests with the ~~director~~ Director;
 - (b) Any fill in the floodplain ~~shall~~ will be of material that will not be eroded by the flowing water;

- (c) Where appropriate for flood damage alleviation, the applicant ~~shall~~ will provide the following items in addition to those required by the provisions of ~~Chapter PCC 17.135 (Site Plan Review)~~ except for duplications:
- (i) plot plan of land in area to be developed indicating location of existing and proposed adjacent streets, alleys, and private rights-of-way;
 - (ii) a boundary survey by a registered surveyor;
 - (iii) indications of existing and proposed finish grades of the property with all drainage features;
 - (iv) indications of the location, height, use, approximate location of all entrances and gross floor area of all proposed structures and buildings;
 - (v) indications of the location and nature of vehicular and pedestrian circulation features within the site;
 - (vi) indications of the extent, location, arrangement, and proposed improvements of all off-street parking and loading facilities;
 - (vii) indications of the extent, location, arrangement, and proposed improvements of all open space, landscaping, fences, and walls;
 - (viii) indications of the location, nature, and dimensions, where applicable, of all utilities;
 - (ix) architectural drawings and sketches demonstrating the planning and character of the proposed development; and,
 - (x) number of units proposed.
- (2) Where topographical data, engineering, or other studies are needed to determine the effects of flooding on a proposed development, or its effect on the flow and/or level of water, the ~~director shall~~ Director will require the applicant to submit such data or studies. All data and studies ~~shall~~ will be prepared and certified by a professional civil engineer registered in the State of Washington.
- (3) No new residential structure containing a dwelling unit ~~shall~~ will be allowed in the floodplain. No residential structures except those existing at the time that this Title takes effect ~~shall~~ will be permitted in the floodplain except as allowed under ~~17.100.060 and 17.100.070 of this Chapter~~ PCC 16.60.060 and 16.60.070. Substantial improvements to a residential structure in the floodplain may be permitted if the improvement is elevated at one foot or more above the base flood elevation and if the improvement is constructed in accordance with the provisions of ~~17.100.050(4)(b) and (e)~~ PCC 16.60.050(4)(b) and 16.60.050(4)(e).
- (4) New construction and substantial improvement of any commercial, industrial, or other non-residential structure either ~~shall~~ will have the lowest floor, including the basement, at one foot or more above the base flood elevation or ~~shall~~ will have flood-proofing which meets the following minimum requirements:

- (a) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) Installation of all mechanical and electrical fixtures, outlets, and equipment one foot or more above the base flood level or designed so as to prevent water from entering or accumulating within the components during conditions of flooding; and,
 - (c) Below one foot above the base flood level, construction of watertight walls substantially impermeable to the passage of water with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (d) Installation of dikes, floodgates, or other facilities preventing intrusion of the base flood plus one foot into the structure ~~shall~~ will be deemed to satisfy the requirements of (4)(b) and (4)(c), of this subsection.
 - (e) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding ~~shall~~ will be designed to automatically equalize hydrostatic floor forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional civil engineer or architect registered in the State of Washington or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding ~~shall~~ will be provided. The bottom of all openings ~~shall~~ will be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (f) Certification by a professional civil engineer registered in the State of Washington that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood.
 - (g) All new construction and substantial improvements in the floodplain ~~shall~~ will be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (5) *Construction Materials and Methods.*
- (a) All new construction and substantial improvements ~~shall~~ will be constructed with materials and utility equipment resistant to flood damage.
 - (b) All new construction and substantial improvements ~~shall~~ will be constructed using methods and practices that minimize flood damage.
 - (c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities ~~shall~~ will be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) *Utilities.*

- (a) All new and replacement water supply systems ~~shall~~ will be designed to eliminate infiltration of flood waters into the system.
 - (b) All new and replacement sanitary sewage systems ~~shall~~ will be designed to eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - (c) Water wells ~~shall~~ will be located on high ground that is not in the floodway.
 - (d) Onsite waste disposal systems ~~shall~~ will be located to avoid impairment to them or contamination from them during flooding.
- (7) *Subdivision Proposals.* All subdivision proposals ~~shall~~ will:
- (a) be consistent with the need to eliminate flood damage;
 - (b) have public utilities and facilities located and constructed to eliminate flood damage; and
 - (c) have adequate drainage provided to reduce exposure to flood damage.
 - (d) base flood elevation data ~~shall~~ will be provided for subdivision proposals and other proposed development which contain ~~fifty (50)~~ 50 lots or five (5) acres, whichever is less.
- (8) *Review of Building Permits.* Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source, applications for building permits ~~shall~~ will be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local jurisdiction judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available.
- (9) *Storage.*
- (a) All underground tanks or storage facilities ~~shall~~ will be anchored to prevent flotation during flooding.
 - (b) No hazardous materials or chemicals ~~shall~~ will be stored in the floodplain unless they are stored in a manner which will prevent leakage, release, seepage, or spillage.
- (10) *Existing Structures in Floodplain—Permanent.* All permanent structures now located in the floodplain ~~shall~~ will, if destroyed, removed, or requiring substantial improvement, be replaced only by a structure meeting the requirements of ~~this Title~~ the Pullman City Code.
- (11) *Objects Stored in the Floodplain Area.* During the flood season, any object over ~~seventy-five (75)~~ 75 cubic feet in volume or having any dimension exceeding ~~ten (10)~~ 10 feet ~~shall~~ will be either stored in a permanent structure, firmly affixed to the ground, or weighted so it cannot float in a base flood. Storage or anchorage of said objects ~~shall~~ will

be subject to the approval of the ~~director~~ Director. These requirements ~~shall~~ will not apply to operable motor vehicles.

- (12) *Recreational Vehicles*. Recreational vehicles placed on sites are required to either:
 - (a) be on the site for fewer than 180 consecutive days,
 - (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 ~~17.100.070(1)~~ PCC 16.60.070(1) and the elevation and anchoring requirements for manufactured homes.
- (13) *Critical Facility*. Construction of new critical facilities ~~shall~~ will be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) 100-year floodplain. Construction of new critical facilities ~~shall~~ will be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA ~~shall~~ will have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the SFHA ~~shall~~ will be provided to all critical facilities to the extent possible.
- (14) The granting of a development permit pursuant to ~~17.100.040 of this Chapter~~ PCC 16.60.040 for construction, development, or substantial improvement ~~shall~~ will not constitute a representation, guarantee, or warranty of any kind or nature by the ~~city of Pullman City~~, or by any officer or employee thereof, concerning the practicality or safety of any development, construction, or substantial improvement, and ~~shall~~ will create no liability upon or cause of action against such public body, officer, or employee for any damage that may result from said permitted land use. (Ord. 10-2 §4, 2010; Ord. 01-5 §12, 2001; Ord. 89-10 §2, 1989; Ord. 89-1 §§4 & 5, 1989; Ord. 87-9 §1, 1987 24-X).

16.60.060 Development in the Floodway.

- 1) No encroachment, including fill or excavation, new construction, substantial improvements, bridges, utilities, bulkheads, diking, retaining walls, or other flood management control devices ~~shall~~ will be placed in the floodway unless certification by a registered professional civil engineer is provided demonstrating through hydrologic analyses performed in accordance with standard engineering practice that the encroachments ~~shall~~ will not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2) Residential structures located in the floodway prior to December 21, 1978, may be repaired, reconstructed, or improved if:
 - (a) the ground flood area is not increased; and

- (b) the cost of the repair, reconstruction, or improvement does not exceed ~~fifty (50) percent~~ 50% of the market value of the structure either:
 - (i) before the repair, reconstruction, or improvement 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 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 on a local, state, or national registry, ~~shall~~ will not be included in the ~~fifty (50) percent~~ 50%.

- 3) All construction, development, or substantial improvements ~~shall~~ will be located so as to allow for cleaning, removal of obstructions and debris, and any other maintenance of the channel of the stream as it is located or likely to be relocated.
- 4) No manufactured home ~~shall~~ will be allowed to remain in the floodway. (Ord. ~~10-2-85~~, 2010; Ord. ~~89-10-3 & 4~~, 1989; Ord. ~~89-1-6~~, 1989; Ord. ~~87-9-1~~, 1987 24-X).

16.60.070 Manufactured Homes in the Floodplain.

- (1) All manufactured homes located in the floodplain after the effective date of this Title ~~shall~~ will meet the following requirements:
 - (a) The manufactured home must be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot or more above the base flood level. This regulation does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds ~~fifty (50) percent~~ 50% of the value of the streets, utilities, and pads before repair, reconstruction, or improvement has commenced.
 - (b) The manufactured home must be anchored to prevent flotation, collapse, or lateral movement by having over-the-top and frame ties. Specific requirements ~~shall~~ will be that
 - (i) over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations; provided manufactured homes less than ~~fifty (50)~~ 50 feet long ~~shall~~ will be required one (1) additional tie per side and that no over-the-top ties ~~shall~~ will be required for:
 - (aa) manufactured homes at least ~~twenty (20)~~ 20 feet in width;
 - (bb) insignia manufactured homes as defined in ~~Chapter 17.105 PCC~~ 17.105.
 - (ii) manufactured homes over ~~fifty (50)~~ 50 feet long must have frame ties at each corner with five (5) additional ties per side at suitable structural

points; manufactured homes less than ~~fifty (50)~~ 50 feet long must have only four (4) additional ties per side at equal intermediate points;

- (iii) all components of the anchoring system ~~shall~~ will be capable of withstanding a direct tensile load of 4,800 pounds; and
 - (iv) any additions to a manufactured home ~~shall~~ will be similarly anchored.
- (2) Manufactured homes presently located in the floodplain ~~shall~~ will be allowed to remain without meeting the requirements of ~~17.100.070(1)~~ PCC 16.60.070(1).
 - (3) Manufactured homes presently located in the floodplain which are relocated to a different space after the effective date of this Title ~~shall~~ will be required to meet the requirements of ~~17.100.070(1)~~ PCC 16.60.070(1).
 - (4) No new manufactured home parks and no expansions of existing manufactured home parks ~~shall~~ will be located in the floodplain or the floodway.
 - (5) Manufactured homes to be located within the floodplain ~~shall~~ will be placed only within manufactured home parks in existence prior to the effective date of this Title.
 - (6) Travel trailers and recreational vehicles may be placed in the floodplain subject to compliance with other requirements of ~~this Title~~ the Pullman City Code for such placement or use during any time of the year except the flood season. During the flood season, travel trailers and recreational vehicles may be placed in the floodplain if they are fully licensed and ready for highway use and provision has been established with the City for the owner or tenant to move the vehicle out of the floodplain upon twelve hours' notice by the City. Such recreational vehicles and travel trailers ~~shall~~ will not otherwise be subject to the requirements of ~~17.100.070~~ PCC 16.603070.
 - (7) Every owner and lessee of any manufactured home park or manufactured home located in the floodplain is required to notify in writing any prospective lessee, sublessee, or purchaser of a manufactured home or manufactured home space of the requirements of ~~17.100.070~~ PCC 16.60.070.
 - (8) No owner, lessee, or sublessee of a manufactured home or any owner, lessee, or sublessee of property upon which any such manufactured home rests ~~shall~~ will permit any person to occupy any manufactured home located in the floodplain if it fails to conform to the requirements of ~~17.100.070~~ PCC 16.60.070.
 - (9) No owner, lessee, sublessee, or agent thereof of a manufactured home or of property upon which a manufactured home is located ~~shall~~ will install or permit the installation of a manufactured home in the floodplain if the requirements of ~~17.100.070~~ PCC 16.60.070 are not met. (Ord. 15-21 §1, 2015; Ord. 89-10 §5, 1989; Ord. 89-1 §7, 1989; Ord. 87-9 §1, 1987 24-X).

16.60.080 Floodplain Variance.

- (1) *Floodplain Variance Application—Contents.* An applicant may request a variance from the provisions of ~~17.100.050(3) and 17.100.050(9)~~ PCC 16.60.050(3) and PCC

16.60.050(9) by filing an application for a floodplain variance with the ~~director~~ Director, on forms provided by the ~~city~~ City, accompanied by the following:

- (a) a nonrefundable filing fee, the amount of which ~~shall~~ will be set by Council resolution;
- (b) a legal description that adequately describes the property in question;
- (c) the applicant's proposed written findings of fact for consideration by the ~~hearing examiner~~ Hearing Examiner;
- (d) four (4) copies of a site plan showing all existing and proposed structures including location, size, bulk, required yards, property lines, driveways, streets, landscaped areas, and any elevations, perspectives, or other sketches deemed necessary by the ~~director~~ Director to illustrate the variance request; and
- (e) any other engineering data, calculations, or illustrations that may be required by the ~~director~~ Director.
- (f) a notarized letter from a title company listing the names, addresses, and parcel numbers from the current assessor's roll of all owners of property located within ~~three hundred (300)~~ 300 feet of the exterior boundary of the property involved.

The application ~~shall~~ will be forwarded to the ~~hearing examiner~~ Hearing Examiner for public hearing within ~~ninety (90)~~ 90 days of the date of filing of the application. The application form for the floodplain variance must state that:

“The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and that such construction below the base flood level increases risks to life and property.”

- (2) *Floodplain Variance—Notice of Public Hearing.* Notice of a public hearing on a request for a floodplain variance ~~shall~~ will be given in the same manner as provided in PCC 17.170.020.
- (3) *Floodplain Variance—Standards.* In deciding upon variance applications, the ~~hearing examiner shall~~ Hearing Examiner will consider all technical evaluations, relevant factors, standards specified in other sections of ~~this Title~~ the Pullman City Code, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger of loss of 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 its owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

- (f) the compatibility of the proposed use with existing and anticipated development;
 - (g) the relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - (h) access to the property in times of flood for ordinary and emergency vehicles;
 - (i) the heights, velocity, duration, rate of rise, and sediment transport of the flood waters and effects of wave action, if applicable, expected at the site; and
 - (j) the costs of providing governmental services during and after floods, including maintenance and repair of public utilities and facilities.
- (4) *Floodplain Variance—Findings of Fact.* Prior to granting a floodplain variance, facts ~~shall~~ will be presented to the ~~hearing examiner~~ Hearing Examiner sufficient for the ~~hearing examiner~~ Hearing Examiner to determine that the following conclusions apply:
- (a) a showing of good and sufficient cause for granting the variance has been made by the applicant;
 - (b) failure to grant the variance would result in exceptional hardship to the applicant;
 - (c) granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
 - (d) the variance is the minimum necessary to afford relief to the applicant.
- The burden of proof ~~shall~~ will be upon the applicant, and the ~~hearing examiner~~ Hearing Examiner may require such substantiating data as it may deem necessary.
- (5) *Written Decision.* The ~~hearing examiner shall~~ Hearing Examiner will issue a written decision on the application for variance which states the reasons therefor. A copy of the resolution ~~shall~~ will be transmitted to the ~~director~~ Director who ~~shall~~ will incorporate the terms and conditions stipulated by the ~~hearing examiner~~ Hearing Examiner in the permit granted to the applicant.
- (6) *Appeal.* Appeal from the decision of the ~~hearing examiner~~ Hearing Examiner on an application for a variance ~~shall~~ will be governed by PCC 17.185.040. (Ord. ~~22-2-§8,~~ 2022; Ord. 03-33 §38, 2003; Ord. 01-5 §13, 2001; Ord. 87-9 §1, 1987 24-X).