



** The City of Anacortes Planning Commission is following Section 3 of Anacortes [Resolution 2082](#) Ratifying Proclamation of Emergency and Providing Temporary Procedures to Respond to the COVID-19 Epidemic, adopted by the Anacortes City Council on March 16, 2020, and [Resolution 3038](#), adopted June 28, 2021, extending the duration of portions of Resolution 2082 through September 30, 2021, according to which open public meetings may be held partially or entirely virtually.

- Meetings may be viewed on the [City of Anacortes website](#), on the City of Anacortes [YouTube](#) Channel, or on TV [Channel 10](#).
- The public may also watch or listen to the meeting live by visiting <https://us02web.zoom.us/j/85918981678> or by telephoning 1-253-215-8782 and entering Meeting ID 859 1898 1678.
- Listen to the meeting by phone: 872-240-3412, Access Code: 261-991-485
- The public is encouraged to comment via email to pced@cityofanacortes.org, via written comment addressed to PCED, P.O. Box 547, Anacortes, WA 98221, or via e-comment (<https://www.anacorteswa.gov/700/Watch-Meetings> - click on meeting you wish to provide comment and in upper right corner is an option to include Public Comment). Public comments received prior to 3:00 p.m. the day of the meeting will become part of the record for the meeting, just as if presented in person.
- Complete guidelines for virtual participation in Anacortes Planning Commission meetings are available [here](#) (page 2). View the quick video example for connecting to the meeting [here](#).

ANACORTES PLANNING COMMISSION

August 25, 2021

**Municipal Building Council Chambers
6th Street and "Q" Avenue**

**** This meeting will be held electronically only ****

AGENDA

6:00 PM

[VIEW PACKET MATERIALS HERE](#)

A. Roll Call

B. Minutes

- 1) Draft Minutes of August 11, 2021

C. Correspondence

D. New Business

- 1) Flood Plain Management Anacortes Municipal Code Chapter 19.74

E. Old Business

The City of Anacortes encourages people with disabilities to participate in public meetings. For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.



Planning Commission Public Hearing Minutes for August 11, 2021
This is not a verbatim transcript of the meeting and is written to capture the general spirit of the discussion based upon notes and video observation by the author. To view the video recording of this meeting, click [here](https://www.anacorteswa.gov/700/Watch-Meetings), or go to <https://www.anacorteswa.gov/700/Watch-Meetings>.

Commission Chair MacKenzie called the Public Hearing of August 11, 2021, to order at 6:00 p.m.

Roll Call:

Members Present: Commissioners Mike Cortright, Gary Molyneaux, Jeff Graf, Sarah Ruether, Frank Jeretzky, Linda Martin, Ward MacKenzie

Members Absent: none

Staff Present: Don Measamer, Libby Grage, Dave Oicles

Minutes: The minutes from July 28, 2021, were accepted as submitted.

Correspondence: No additional correspondence other than the items currently on the agenda.

Old Business: none

New Business

CUP-2021-0001 – Cap Sante North Basin RV Park, Port of Anacortes Marina

Libby Grage, Planner Manager, gave a presentation on the proposal of a conditional use permit and site plan for the improvement of an RV Park located on Port Property at the Cap Sante Marina. Staff recommends approval with conditions. Members representing the project were in attendance and answered questions from Commissioners. Present from the Port of Anacortes included Brad Tesch, Brenda Treadwell, and Kevin Anderson. Also present were Dean Koonts-HBB, David Galbraith-PS and E, Adam Morrow, Bill Hager-Maul Foster, and Stefani Hertztein-Transpo Group.

Chair MacKenzie opened the floor to public comments at 6:49 pm. There was no public attending via live or remotely. The Chair closed the public comments at 6:50pm.

Commissioner Martin made a motion to approve the proposal with conditions presented by Staff. Commissioner Cortright seconded the motion with conditions presented by Staff. All Commissioners present voted to approve the motion 7-0.

With no further discussion, Commission Chair MacKenzie concluded the meeting at approximately 7:18 p.m.



Planning Commission Agenda Bill

Meeting Date: August 25, 2021 **Agenda Item:** D.1.

Subject: Flood Plain Management Anacortes Municipal Code Chapter 19.74

Staff Contact: DON MEASAMER

Approved for Submittal to Commission by
DON MEASAMER

Action Type
Public Hearing

Summary Statement: Flood Plain Management code updates

Background: Previously titled Frequently Flooded Areas under AMC Chapter 17.17.020 was first established approximately 1994 and updated with minor changes 2005 and 2008 established through the Flood Insurance Study for the City of Anacortes dated March 17, 2003 with accompanying Flood Insurance Maps (FIRM) and has not been updated since. In early 2021 the City was contacted by David Radabaugh, State National Flood Insurance Program (NFIP) Coordinator, Department of Ecology, regarding updates to the City Flood Plain Management regulations. Mr. Radabaugh reviewed the existing code sections and provided several updates to ensure consistency with current FEMA and NFIP guidelines.

Staff have contacted Jim Johansen, Coastal Geologic Services, to provide a report regarding Sea Level rise and effects on Anacortes to determine freeboard above base flood elevation. That report will not be ready for a couple of weeks therefore staff recommends continuing this meeting.

Previous Action: Briefing at July 28, 2021 PC meeting

Competing Viewpoints Considered:

Recommended Motion: NA

Alternative Actions: NA

Attachments (listed in order presented):

1. Flood Plain Management Chapter 19.74

Chapter 19.74 Floodplain Management Article II. Frequently Flooded Areas (FEMA Approved)

~~17.70.020~~ 19.74.010 — Statutory authorization, findings of fact, purpose, and objectives.

A. *Statutory Authorization.* The legislature of the state of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Anacortes does ordain as follows:

1. *Findings of Fact.*

- a. The flood hazard areas of Anacortes are subject to periodic inundation which results 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.
- b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately 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.

2. *Statement of Purpose.* It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money and costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. To ensure that potential buyers are notified that property is in an area of special flood hazard;
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- i. To incorporate LID BMPs if feasible.

3. *Methods of Reducing Flood Losses.* In order to accomplish its purposes, this chapter includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 3031 § 1 (Exh. A), 2018; Ord. 2794 § 1 (Att. A), 2008; Ord. 2702 § 3, 2005*)

~~*—Code reviser's note: Ord. 3031, Section 3, states: "This ordinance shall be effective for six months from the date of adoption, and the provisions provided in Exhibit A shall expire on May 19, 2019."~~

~~17.70.030~~ 19.74.020 Definitions.

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

"Adjacent/regulated slopes" means within 100 feet of the project site boundaries.

"Administrator" means the Director of Community Development.

"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" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

~~"Area of shallow flooding" means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.~~

"Area of shallow flooding" A designated zone AO, AH, AR/AO or AR/AH (or VO) on a communities 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 sheet flow area.

~~"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.~~

“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”.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “one hundred-year flood.” Designation on maps always includes the letters A or V.

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

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

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

“Buffer” means a naturally vegetated area or vegetated area established or managed to protect nontidal wetlands or other areas from human disturbances.

~~Buffer Strip. The term’s “Buffer Strip” means the intended purpose is~~ to provide a sight, sound, and/or psychological barrier between land uses with a high degree of incompatibility, whether real or perceived.

“Channel” means the geographical area within either the natural or artificial banks of a watercourse or drainway.

“Coastal high hazard area” means 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.

“Creation, wetland” means a human activity bringing a wetland into existence at a site in which it did not formerly exist.

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

“Development” means any human-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.

“Drainway” means any depression below the surrounding land serving to give direction to a regular current of water and having a bed and well-defined banks.

“Elevated building” means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or

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

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) 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 with when earth is carried by a current of water and deposited along the path of the current.
4. The collapse of 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 a flash flood or an abnormal tidal surge, or by some similarly unforeseeable event which results in flooding.

“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 mudslides (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM)

“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.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flood or flooding”

“Flood proofing” means 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” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~. a designated height. Also referred to as “Regulatory Floodway”.

“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 ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

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“Function/wetlands” means the beneficial roles nontidal wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for rare, threatened, and endangered species, food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

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

“Historic structure” means aAny 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 Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior 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.

“Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

“In-kind construction, wetland” means the restoration or creation of a wetland with vegetation and other characteristics closely approximating those of a specified wetland.

“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 nonelevation design requirements of this chapter found at subsection 19.74.050.D

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

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

“Mean Sea Level” for purpose of the National Flood Insurance Program, means the vertical datum to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

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

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

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

“Nontidal wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (commonly known as hydrophytic vegetation).

“Off-site construction, wetland” means restoration or creation of a wetland at a location not adjacent to a previously specified wetland.

“Out-of-kind, wetland” means the restoration or creation of a wetland with vegetation or other characteristics not resembling those of a specified wetland.

“Partially developed lot” means a lot or parcel of land on which a building is located and which is of sufficient area so as to be capable of subdivision into two or more lots in accordance with city standards.

“Practicable alternative, wetland” means an alternative to the proposed project that would accomplish the basic purpose of the project and avoid or have less adverse impact on a nontidal wetland.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulated activity, wetlands” means an activity with a significant impact on nontidal wetlands, including:

1. The removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, or materials of any kind;
2. The changing of existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
3. The disturbance of the nontidal wetland water level or water table by drainage, impoundment, or other means;
4. The dumping or discharging of material, or the filling of a nontidal wetland with material;
5. The placing of fill or the grading or removal of material that would alter existing topography;
6. The driving of piles, placement of obstructions, and erection or repair of buildings or structures of any kind;
7. The destruction or removal of plant life that would alter the character of a nontidal wetland; and
8. The conduct of an activity that results in a significant change of water temperature, a significant change of physical or chemical characteristics of nontidal wetland water sources, or the introduction of pollutants.

“Regulated slopes” means slopes that average 15 percent or greater over a vertical interval of 10 feet.

“Restoration, wetland” means a human activity that returns a wetland or former wetland from a disturbed or altered condition with lesser acreage or functions to a previous condition with greater wetland acreage or functions.

“Scientist, professional wetland” means a professional wetland scientist shall be certified through the Society of Wetland Scientists Professional Certification Program.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or 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” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

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

- ~~1. Before the improvement or repair is started; or~~
- ~~2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

~~The term does not, however, include either:~~

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

“Substantial Improvement” means aAny 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” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Water dependent” means 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. 3040 § 2 (Att. A), 2019; Ord. 2794 § 1 (Att. A), 2008; Ord. 2702 § 3, 2005; Ord. 2316 § 3, 1994)

~~17.70.040~~ 19.74.030 General provisions.

- A. *Lands to Which This Chapter Applies.* This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Anacortes.
- B. *Basis for Establishing the Areas of Special Flood Hazard.* The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Anacortes” dated March 17, 2003, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at 904-6th Street. The best available information for flood hazard area identification as outlined in subsection ~~19.74.040.(C)(2)~~~~17.70.050(C)(2)~~ of this chapter shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under subsection ~~19.74.040.(C)(2)~~ ~~17.70.050(C)(2)~~ of this chapter.
- C. *Penalties for Noncompliance.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter 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 chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand dollars or imprisoned for not more than ten 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 Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.
- D. *Abrogation and Greater Restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- F. *Warning and Disclaimer of Liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter 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 chapter shall not create liability on the part of the city of Anacortes, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. ~~(Ord. 2794 § 1 (Att. A), 2008; Ord. 2702 § 3, 2005)~~

~~17.70.050~~ 19.74.040 Administration.

A. Establishment of development permit.

1. *Development Permit Required.* A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection ~~17.70.040(B)~~ 19.74.030 (B) of this chapter. 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.”
2. *Application for Development Permit.* Application for a development permit shall be made on forms furnished by the city of Anacortes 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:
 - a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection ~~17.70.060(B)(2)~~ 19.74.050 (B)(2) of this chapter; and
 - d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. *Designation of the Local Administrator.* The administrator is hereby appointed to administer and ___ implement this chapter by granting or denying development permit applications in accordance with its provisions.

C. *Duties and Responsibilities of the Local Administrator.* Duties of the administrator shall include, but not be limited to:

1. *Permit Review.*
 - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - 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, assure that the encroachment provisions of subsection ~~17.70.060(D)~~ 19.74.050(D) of this chapter are met.
2. *Use of Other Base Flood Data (In A and V Zones).* When base flood elevation data has not been provided (A and V Zones) in accordance with subsection ~~17.70.040(B)~~ 19.74.030(B), basis for establishing the areas of special flood hazard, the 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 subsection ~~17.70.060(B)~~ 19.74.050(B), specific standards, and subsection ~~17.70.060(D)~~ 19.74.050(D), critical facility.

3. Information to be Obtained and Maintained.

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in subsection (C)(2) of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in subsection (C)(2) of this section:
 - i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - ii. Maintain the floodproofing certifications required in subsection (A)(2)(c) of this section.
- c. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. *Alteration of Watercourses.*

- a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. *Interpretation of FIRM Boundaries.* Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided ~~in subsection (D) of this section.~~ in Table 19.20.030, Type I Administrative Ministerial Actions, and Section 19.20.180.

D. *Variance Procedure.*

1. Variances to this chapter must be processed according to the procedures in Title 19.
2. *Conditions for Variances.*
 - a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items ~~(i through xi)~~ in subsection ~~(D)(1)(d)~~ (D)(3)(a) of this section

have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

- b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section: 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. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii. 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.
 - iv. A demonstration that no net loss of critical areas functions and values will occur as a result.
- f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (D)(2)(a) of this section, and otherwise complies with subsections 17.70.060(A)(1) 19.74.050(A)(1), (3) (a) and (4) (b) of the general standards.
- h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 2992 § 1 (Att. A), 2016; Ord. 2794 § 1 (Att. A), 2008; Ord. 2702 § 3, 2005)

3. Variance review criteria.

- a. In considering variance applications, the governing body must consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and;
- i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity to the facility of a waterfront location, where applicable;
 - vi. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i-ix. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - ii-x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
 - iii-xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and 3. Variance review criteria

1. In considering variance applications, the governing body must consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and;

— a) The danger that materials may be swept onto other lands to the injury of others;

— b) The danger to life and property due to flooding or erosion damage;

— c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

— d) The importance of the services provided by the proposed facility to the community;

— e) The necessity to the facility of a waterfront location, where applicable;

— f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

— g) The compatibility of the proposed use with existing and anticipated development;

~~— h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~

~~— i) The safety of access to the property in 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, electrical, water system, and streets and bridges.~~

~~17.70.060~~**19.74.050** Provisions for flood hazard reduction.

A. *General Standards.* In all areas of special flood hazards, the following standards are required:

1. *Anchoring.*

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including effects of buoyancy.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. *Construction Materials and Methods.*

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. *Utilities.*

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- b. The proposed water well shall be located on high ground that is not in the floodway (WAC [173-160-171](#));
- c. 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; and

- d. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. *Subdivision Proposals and Other Development.*
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).
5. *Review of Building Permits.* Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (subsection ~~17.70.050(C)(2)~~ 19.74.040(C (2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.
- B. *Specific Standards.* In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in subsection ~~17.70.040(B)~~ 19.74.030(B), basis for establishing the areas of special flood hazard, or subsection ~~17.70.050(C)(2)~~ 19.74.040(C) (2), use of other base flood data (In A and V Zones), the following provisions are required:
 1. *Residential Construction.*
 - a. ~~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 residential structure must have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities must be waterproof or elevated at least one foot above BFE.
 - b. ~~b)~~ 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 must be reasonably safe from flooding, but in all cases the lowest floor must be at least two feet above the Highest Adjacent Grade.
 - c. ~~c)~~ New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone must meet the requirements of section 19.74.050(C Coastal High Hazard).
 - d. ~~d)~~ Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or must be designed to automatically equalize hydrostatic flood forces on the exterior walls by allowing for the entry and exit of flood waters. Designs must meet or exceed the minimum following criteria or be designed by a registered engineer or architect and certify engineered openings;

- 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 must be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided 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. a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
 - b. 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. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - ii. The bottom of all openings shall be no higher than one foot above grade;
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 2. *Nonresidential Construction.* New construction or substantial improvement of any commercial, industrial, or other nonresidential structure must meet the requirements of subsection a or b, below.
 - a. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure must meet all the following requirements.
 - i. 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 must 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 must be waterproofed or elevated at least one foot above BFE, or as required by ASCE 24, whichever is greater.
 - ii. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure must be reasonably safe from flooding, but in all cases the lowest floor must be at least two feet above the Highest Adjacent Grade.
 - iii. If located in a V, V1-30, or VE zone, the structure must meet the requirements of Section 19.54.050 (C Coastal High Hazard).

~~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 subsection 17.70.050(C)(3)(b) of this chapter;~~

~~d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1)(b) of this section;~~

~~e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).~~

3. *Manufactured Homes.*

a. All manufactured homes to be placed or substantially improved on sites:

- i. Outside of a manufactured home park or subdivision,
- ii. ~~In~~ In a new manufactured home park or subdivision,
- iii. ~~In~~ In an expansion to an existing manufactured home park or subdivision, or
- iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;
- v. 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 designed foundation system to resist flotation, collapse and lateral movement.

b. 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:

- i. The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation, or
- ii. ~~The~~ The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

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

a. Be on the site for fewer than one hundred eighty 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 subsection (B)(3) of this section and the elevation and anchoring requirements for manufactured homes.

5. Enclosed area below the lowest floor:

- a. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas must be used for parking of vehicles, building access, or storage.

6. Appurtenant Structures (Detached Garages & Small Storage Structures)

- a. 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:
 - i. Use of the appurtenant structure must be limited to parking of vehicles or storage;
 - ii. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
 - iii. The appurtenant structure must be anchored to prevent flotation, collapse, and lateral movement;
 - iv. Any machinery or equipment servicing the appurtenant structure must be elevated or flood proofed to or above the BFE;
 - v. The appurtenant structure must comply with floodway encroachment provisions in section 19.74.050 (D):
 - vi. The appurtenance structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with 1-d of this section:
 - vii. The structure must have low damage potential:
 - viii. If the structure is converted to another use, it must be brought into full compliance with standards governing such use:
 - ix. The structure must not be used for human habitation:
- b. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in section 1-d.
- c. Upon completion of the structure, certification that the requirement of this section has been satisfied must be provided to the Floodplain Administrator for verification.

7. AE and A1-30 Zones with Base Flood Elevations but No Floodways

- a. 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 communities 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.

C. *Coastal High Hazard Areas.* Located within areas of special flood hazard established in subsection ~~17.70.040(B)~~ 19.74.030.B of this chapter are coastal high hazard areas, designated as Zones V1-30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:

- ~~1. All new construction and substantial improvements in Zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that:~~
 - ~~a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level, and~~
1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation is available) on the communities FIRM must be elevated on pilings and columns so that:
 - a. For 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.
 - a.b. For nonresidential buildings the bottom of the lowest horizontal 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.
 - ~~b.c.~~ 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 and given year (one hundred-year mean recurrence interval).
 - ~~e.d.~~ 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 this section.
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 administrator shall maintain a record of all such information;
3. All new construction within Zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide;
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 nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated

portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty 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 designs proposed meet the following conditions:

- a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood, and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (one hundred-year mean recurrence interval).
 - c. 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~~ human caused 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 subdivision, or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;
 - e. Meet the standards of subsections (C)(1) through (C)(6) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the FIRM meet the requirements of subsection (B)(3) of this section.
8. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty 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 subsection 17.70.050(A)(1) of this chapter, development permit required and subsection (C)(1) through (C)(6) of this section.

- D. *Critical Facility*. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (one hundred-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 or to the height of the five hundred-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing 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 base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. 2794 § 1 (Att. A), 2008; Ord. 2702 § 3, 2005)

~~17.70.070~~ 19.74.060 Stand alone ordinance.

This chapter is adopted as a stand alone ordinance will be enforced only in those areas presently identified or become identified as special flood hazard areas within the City of Anacortes. (~~Ord. 2794 § 1 (Att. A), 2008; Ord. 2702 § 3, 2005~~)

~~The Anacortes Municipal Code is current through Ordinance 3081, passed January 25, 2021.~~

~~Disclaimer: The city attorney's office has the official version of the Anacortes Municipal Code. Users should contact the city attorney's office for ordinances passed subsequent to the ordinance cited here.~~

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