

**PROPOSED AMENDMENTS
TO**

**TRACK
CHANGES
04/29/2020**

Flood Hazard Areas, MTMC 16.15.440

(Adopted per Critical Areas Ord. 2731 § 2 (Exh. A), 2018)

16.15.440 ~~Flood hazard areas~~Frequently flooded areas.

A. Purpose and Applicability. The purpose of the regulating activities and structures in ~~flood hazard~~frequently flooded areas is to protect the integrity, function, and value of the ~~floodway floodplain and associated critical areas,~~ and to protect life, property and resources from risks associated with development in ~~flood hazard~~frequently flooded areas.

B. Location and Designation of ~~Flood Hazard~~frequently flooded Areas.

1. Flood areas within the City of Mountlake Terrace shall be designated according to the latest version of ~~Federal Emergency Management Agency (FEMA) and~~ Flood Insurance Rate Maps (FIRM) maps issued by the Federal Insurance Administrator. ~~FEMA and FIRM maps prevail over floodways shown on the City's critical area maps, adopted pursuant to MTMC 16.15.080.~~

2. No specific buffer widths apply to ~~frequently flooded hazard~~ areas beyond the edge of floodplain Zone A as shown on the FIRMs. However, buffer widths and building setbacks from the edge of other, underlying critical areas buffers, such as wetlands, streams, and geologic hazards, as regulated by this chapter shall apply ~~consistent with the applicable sections of this chapter.~~

3. ~~Redesignation of a floodway~~A flood elevation level may be amended ~~designation shall occur~~ only through property owner or proponent application to FEMA for a letter of map amendment (LOMA), per FEMA filing requirements and applicable procedures per Chapter 16.18 MTMC. Documentation thereof shall be provided to the City prior to or concurrent with an application to do work subject to the revised flood elevation ~~initiating any uses, actions, or activities, except as otherwise exempt per this chapter and consistent with subsection C of this section.~~

C. Allowed Activities and Standards.

1. No structure or land within a designated floodway shall hereafter be constructed, reconstructed, located, extended, converted, or altered without full compliance with this section

~~and the terms of this chapter 16.18 MTMC and other applicable regulations. The most restrictive nonconformance provisions of City code, MTMC 19.120.250, and FEMA, apply.~~

2. ~~Construction, or reconstruction, or substantial improvement of any residential structures or non-residential structure, or appurtenances, is prohibited within designated floodways, subject to Chapter 16.18 MTMC, except as provided for in WAC 173-158-070. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet or more above the base flood elevation (BFE).~~

3. Any development in ~~frequently flooded hazard~~ areas is subject to the ~~applicable~~ provisions of ~~building~~ Chapter 15.05 MTMC and ~~any applicable City~~ stormwater standards ~~including Chapters 16.20 and 16.21 MTMC.~~

4. ~~Critical Facilities are subject to the provisions set forth in Chapter 16.18 MTMC. Construction of new critical facilities shall only be permissible within the 100-year floodplain if no feasible alternative site is available. Critical facilities constructed within the FEMA-defined special flood hazard area shall have the lowest floor elevated at least three feet above base flood elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be elevated to or above the height of the base flood elevation above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.~~

5. ~~Because of the potential hazard to life and property, development as defined in this chapter shall be prohibited on lands designated as flood hazard areas with the following exemptions, subject to meeting the applicable requirements of this chapter:~~

a. ~~Trails and recreational improvements for public access to water bodies consistent with the City Comprehensive Plan, Recreation, Parks and Open Space Plan, and the City Shoreline Master Program, as applicable.~~

b. ~~Emergencies, and exemptions, per MTMC 16.15.100 and 16.15.110, and reasonable use exceptions are permitted per consistent with MTMC 16.15.100 and 16.15.110, and 16.15.360 and Chapter 16.18 MTMC.~~

c. ~~Public activities and improvements approved by the City, determined to be in the public's best interest.~~

6. Elevation Certificate Following Construction. Following construction of a structure in the floodplain, the applicant shall obtain an elevation certificate that records the elevation of the lowest floor. The elevation certificate shall be completed by a surveyor ~~or engineer~~ ~~[SS4]~~ licensed in the state of Washington and shall be submitted to the City and recorded per MTMC [16.15.250](#), Notice on title.

D. Variances, ~~—Additional Considerations for Frequently Flooded Areas.~~

1. ~~Additional Variance Considerations. In review of variance Variance requests for actions and activities within frequently flooded areas are subject to the, ~~the Hearing Examiner shall consider all technical evaluations, relevant factors, and standards specified in this chapter and general variance criteria per MTMC [16.15.350](#) and the additional considerations for frequently flooded areas per Chapter 16.18 MTMC,~~ and:~~

~~a. The danger to life and property due to flooding, erosion damage, or materials swept onto other lands during flood events;~~

~~b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the proposed use;~~

~~c. The importance of the services provided by the proposed use to the community;~~

~~d. The necessity to the proposed use of a waterfront location, where applicable, and the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;~~

~~e. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~f. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~

~~g. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.~~

2. Variances shall only be issued upon a ~~determination that the granting of a 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 laws or~~

~~ordinances demonstration the requirements for variances have been satisfied pursuant to~~
~~Frequently flooded areas Chapter 16.18 MTMC.~~ Unavoidable impacts to floodplain functions
and values shall be mitigated ~~in accordance with MTMC 16.15.210, mitigation sequencing per~~
~~subsection E, below.~~

E. Mitigation. Unavoidable impacts to floodplain functions and values shall, when applicable or
required, ~~shall be implemented be mitigated~~ consistent with MTMC 16.15.210, mitigation
sequencing, MTMC 16.15.220, mitigation plan, MTMC 16.15.230, performance standards, and
MTMC 16.15.240, maintenance and monitoring plan, ~~and any other applicable mitigation provisions~~
~~in this section, and any specific standards, per this section.~~

F. Frequently flooded Hazard Area Protection. Protective covenants shall be ~~provided~~ established
and noticed on title, pursuant to MTMC 16.15.250 and 16.15.270.