

Tonasket City Council
Tuesday, May 9, 2023
6:00 pm

VIRTUAL ZOOM MEETING ID 842 5425 9691
Phone Number 1-253-215-8782

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Roll Call
- 4) Public Comment (agenda items)
- 5) Approval of the Agenda **Action Item**
- 6) Phil Christy and Mariah Cornwoman—request for city water hook up.
- 7) This meeting has been published as a public hearing to take testimony on updates to Chapter 15.16 Floodplain Management of the Tonasket Municipal Code.
- 8) Ordinance #843 – Amending Chapter 15.16 of the Tonasket Municipal Code; adopting amendments to Floodplain Management regulations for the City; containing a severability provision and setting an effective date. **Action Item**
- 9) Kurt Danison Report
- 10) Public Comment
- 11) Unfinished Business
 - a) Shoreline Master Program---set Public Hearing for May 23rd **Action Item**
- 12) Department Head Reports
 - Darren Johnson
 - Randy Taylor
 - Paul Budrow
 - Alice Attwood (written)
- 13) Mayor/Council/Committee Reports
- 14) New Business
 - a) Request for a Loading/Unloading Zone **Action Item**
 - b) Request for Water at the airport **Discussion**
- 15) Miscellaneous and Correspondence
- 16) Consent Agenda: Minutes of the previous meeting, the April Payroll and the May Bills **Action Item**
- 17) Adjournment

The City of Tonasket is an equal opportunity employer and provider that strives to accommodate persons with disabilities. City Hall is ADA accessible. Please contact the City Clerk's office by noon on any meeting date for assistance.

DRAFT

Minutes of the Regular Meeting of the Tonasket City Council, April 25, 2023

Present: Mayor Maldonado, Councilmembers McMillan, Hill, Weddle, and Levine.

Staff: Attwood and Seydlitz.

The meeting was called to order at 6:00 pm and the pledge of allegiance was given by all.

Roll Call was taken.

The Mayor called for an Executive Session according to RCW 42.30.110 (1) (i). The city Attorney Mick Howe, the Mayor, Council members and Attwood adjourned for an executive session for 20 minutes.

After 20 minutes, Mayor Maldonado called the regular meeting to order.

Motion to approve the settlement between the City and Diane and Mark Foreman and authorize the Mayor to sign applicable documents. M/McMillan, S/Weddle. Carried 3:1. Levine voted no.

Alexander entered via Zoom at 6:23 pm.

Public Comment:

- Roger Castelda spoke regarding keeping the Municipal Court in Tonasket.

Motion to approve the agenda. M/McMillan, S/Levine. Carried 4:0.

Motion to approve the minutes of the previous meeting. M/McMillan, S/Levine. Carried 4:0.

Public Comment: None.

(Alexander left the meeting due to lost connection on Zoom and cell phone around this time)

Lee Orr was present to request permission to hold the Annual Fly In at the Tonasket Airport.

Motion to approve and give permission to the Airport Improvement Club to have the 33rd Annual Father's Day Fly In on June 17th and 18th, 2023 at Tonasket Municipal Airport. M/Levine, S/McMillan. Carried 4:0

Unfinished Business:

Alexander entered the meeting at 6:40 pm via the phone.

Motion to approve and accept the quote from Discount Glass in the amount of \$14,220.01 for the City Hall doors and authorize the Mayor to sign applicable documents/contract. M/McMillan, S/Hill. Discussion. Motion Failed 2:3. Weddle, Levine and Alexander voted no.

Motion to approve and accept the quote from Precision Glass in the amount of \$36,581.86, and to include exclusions and electrical, for the City Hall doors and authorize the Mayor to sign applicable documents/contract. M/Weddle, S/Alexander. Discussion. Carried 3:2. McMillan and Hill voted no.

Motion to verify with Precision Glass that they will provide a one-year warranty before the contract is signed. M/Levine, S/Weddle. Discussion. Carried 4:1. McMillan voted no.

Motion to dissolve the Tonasket Municipal Court, M/Weddle, S/Alexander. Discussion. Motion Failed 2:3. McMillan, Levine and Hill voted no.

Motion to approve the Interlocal Agreement with Okanogan County Tourism Council for the building and installation of a Kiosk in the parking lot area of Founders Day Park and the TVBRC. M/Levine, S/McMillan. Discussion. Carried 5:0

Motion to set the day of May 18th, 2023 and time of 4:00 pm -7:00 pm for the City Retreat. M/Levine, S/Weddle. Discussion. Carried 5:0

DRAFT

Motion to set the day of July 15th, 2023 and time of 1:00 pm for the Community Appreciation Day BBQ. M/Weddle, S/Levine. Discussion. Carried 5:0

Mayor/Council/Committee Reports:

Levine

- Phone call regarding Perfect Passage.
- Session over, Cap Budget passed, was more focused on social more than infrastructure.
- Porta Potty meeting, read draft of policy.

Motion to approve the Porta Potty policy in the parks and cemetery. M/McMillan, S/Weddle. Discussion. Carried 5:0

McMillan- None

Hill

- Cemetery Cleanup, covered by the Public Works staff, but ok to have help as needed.
- Asked about the Cemetery property.
- Founders Day Rodeo and Parade will be the end of May, Memorial weekend.
- Saturday at 1 pm is the Vietnam Memorial event.

Weddle

- Has been spending time with Darren Johnson regarding Public Works.
- Nothing on Perfect Passage.

Alexander- None.

New Business:

Motion to approve the estimate from Five Mile Flooring in the amount of \$11,392.50 for the labor portion to do the repairs at the Tonasket Swim Pool and authorize the Mayor to sign applicable documents/contract. M/Levine, S/Weddle. Discussion. Carried 5:0.

Motion to select Varela Engineering as the City of Tonasket's Engineering firm. M/Levine, S/Weddle. Carried 5:0.

Motion to approve Ordinance #842 as presented. M/Weddle, S/Alexander. Discussion. Motion Failed 2:3. McMillan, Levine and Hill voted no.

Miscellaneous and Correspondence:

Letter regarding Sewer.

There being no further business the meeting was declared adjourned at 8:25 pm.

Alice Attwood, Clerk-Treasurer

Council Memo
Tuesday, May 9, 2023
6:00 pm

VIRTUAL ZOOM MEETING ID 842 5425 9691
Phone Number 1-253-215-8782

TO: Mayor and City Councilmembers
FROM: City Clerk-Treasurer

Phil Christy and Mariah Cornwoman, representing Green Okanogan, will be present requesting a water hook up for their facility south of town. Superintendent Johnson has been informed of this request and is looking into it. I don't believe action is required at this time. I recommend the matter go to Committee.

This meeting has been advertised as a public hearing to take testimony on updates to Chapter 15.16 Floodplain Management regulations for the City; containing a severability provision and setting an effective date. Kurt Danison will be present to facilitate this hearing.

Ordinance #843—this ordinance would formally amend Chapter 15.16 of the Tonasket Municipal code. **Suggested Motion: I move to approve Ordinance #843 amending Chapter 15.16 of the Tonasket Municipal Code; adopting amendments to Floodplain Management regulations for the City; containing a severability provision and setting an effective date.**

The Tonasket Planning Commission has completed its review of the Periodic Updates required by the Department of Ecology to the City's Shoreline Management Program. The Planning Commission recommends the City Council accept the update and amended Shoreline Master Program and submit to the Department of Ecology. **Suggested Motion: I move to hold a public hearing on the Shoreline Master Program update, which includes amendments to the Comprehensive Plan and Chapter 18.08 TMC during the regular Council meeting on May 23, 2023.**

Superintendent Johnson has received a request for a Loading/Unloading Zone on the north side of 4th Street by Grants Market. This has been reviewed by Darren. If the Council is in agreement the Clerk will need direction to instruct the City Attorney to amend the parking ordinance to include this new parking ordinance. This can be done by consensus or a motion.

Superintendent Johnson has also received a request for a hangar owner to put in a water hook up at the airport. I strongly suggest this matter is turned over to the Airport Committee. It is not entirely clear the capabilities of the well and if the City were to allow water hook ups to hangars, it could create many unforeseen problems and expenses.

Clerk-Treasurer Report for 5-9-2023

- a) Chief Tonasket Park---requested a status on the Ball field project.
- b) Cemetery---have not heard from Bergh Funeral home yet--paperwork is ready. Will call again.
- c) Update on City Hall Doors---Precision Glass is sending a foreman up on the 11th to check things out, then the doors will be 3 months + lead time or so once ordered. The warranty for the doors: Manufacturer: 2 year parts, Precision Glass 1 year parts and labor, excludes damage, abuse.
- d) The TVBRC is open from 10 am to 2 pm Monday through Saturday. If you would like to volunteer to help at the center let me know!
- e) We still do not have any applications for Pool Manager. We have advertised and done the usual, put it on Facebook and on our Website, however, no results at this time.
- f) Have been contacted by Charlie Botsford, EV Charging Solutions, regarding installing EV fast chargers. I have included information in the Council packet. Charlie would like to be on the May 23rd agenda and he would like to know if the City would like to be included in the grant proposal---please review and if you have questions prior to the May 23rd Council meeting let me know.

LETTER OF TRANSMITTAL 7/12/2022

To: Honorable Mayor & Council
From: Gail Mailloux, Chair, Tonasket Planning Commission
Subject: Planning Commission Recommendation on Proposed Amendments to Chapter 15.16 TMC Floodplain Management
Date: 5/5/2023
Cc: Project File

The Tonasket Planning Commission has completed its review of the Department of Ecology's comments on Chapter 15.16 TMC Floodplain Management, proposed amendments to the code and held a public hearing on the amendments on June 21, 2022. The hearing concluded a 30-day public review process wherein only one comment was received (from the Department of Ecology) and no public testimony was taken.

At the conclusion of the hearing the following motion was made and passed.

Motion:

Commissioner Hill moved to recommend the City Council approve the amendments to chapter 15.16 TMC subject to the finding of facts & conclusions contained in the staff report and move forward with the formal public review and approval process."

Motion seconded by Commissioner Asmussen, carried unanimously

Gail Mailloux, Chair

Attachments: Staff Report
Strike-out the Chapter 15.16

Staff Report

DATE: June 13, 2022

TO: City of Tonasket Planning Commission

FROM: Kurt Danison, Planner

Re: **Amendment – City of Tonasket Flood Management Code Chapter 15.16 TMC
Floodplain Management**

* * * * *

BACKGROUND

The Federal Government, through the Federal Emergency Management Agency (FEMA) provides a program that provides subsidized flood insurance for community's that comply with certain requirements for development in identified flood hazard areas. The twin cornerstones of the program are the Federal Flood Insurance Rate Maps (FIRM) created by FEMA and regulations adopted and enforced by local governments to regulate development in those areas identified on FIRM as flood hazard areas.

The scope of the regulations adopted by local governments is established by FEMA, and in the case of Washington, are enforced by the Department of Ecology. Ecology's role is to work with local governments to ensure that local floodplain regulations are consistent with and comply with the requirements established by FEMA. Compliance is required for the City and its landowners to remain eligible for federally subsidized flood insurance.

The City first adopted a Floodplain Management Code in 1988 and has amended the code twice, once in 1991 and again in 2014.

The current amendment process was initiated when the Department of Ecology approached the City in late 2021 with a notice that changes were needed to maintain compliance with current federal and state floodplain management regulations. As noted, compliance is required to maintain eligibility for federal flood insurance. Ecology provided a strike-out copy of the City's current Chapter 15.16 with both required and recommended changes.

The Planning Commission had the proposed amendments to Chapter 15.16 on the agenda at 4 meetings during the winter and spring of 2022 where Ecology's comments were reviewed and discussed. At its May 17, 2022 meeting the Commission approved a strike-out version showing all proposed amendments for release to the public for review and set a public hearing for June 21, 2022.

LAND USE DESIGNATIONS AND ZONING

The proposed amendments affect the land use designations and zoning districts that lie within the 100-year floodplain

SEPA

SEPA review has been completed, no appeals or comments received.

60-DAY REVIEW

The required 60-day Department of Commerce review process has not been initiated

COMMENTS

One comment has been received from Sandra Floyd of Ecology requesting two minor changes, both of which have been addressed in the attached strike-out copy of the amended Chapter 15.16 TMC.

PROPOSAL

A strike-out copy of the proposed amendments to the Chapter 15.16 TMC is attached hereto.

PROCESS

The Planning Commission will hold a Public Hearing on June 21, 2022 following which they will make a decision to recommend approval of the amendments as submitted by staff, modify the amendments or direct staff to address specific concerns and bring a revised draft for consideration.

After a Planning Commission decision is made, the City Council will consider the Commission's recommendation at their next regular Council meeting. The Council, will set a public hearing at least 60-days in the future and initiate the formal 60-day review process with the Department of Commerce. After the end of the comment period, the Council will hold a public hearing and then may accept, modify, remand back to the Commission for further work, reject some or all of the proposed amendments as recommended by the Planning Commission. Regardless, the City Council will have to pass ordinance adopting amendments to Chapter 15.16 TMC before the amendments can be included in the Municipal Code.

ACTIONS ON OTHER RELEVANT PERMITS

There are no relevant permit applications on file with the City that depend on the code revisions.

FINDING OF FACT

1. Chapter 35A.63 of the Revised Code of Washington establishes the City of Tonasket as the authority with jurisdiction on local land use decisions.
2. The amendment process was undertaken in order to maintain the City's eligibility for the Federal Flood Insurance Program.
3. Only one comment was received during the preliminary review process.
4. A SEPA Determination of Non-Significance was issued on June 16, 2022.
5. The proposed amendments to Chapter 15.16 TMC are consistent with the intent, goals and policies of the Tonasket Comprehensive Plan.

6. Public Notice requirements regarding the June 21, 2022 public hearing on said amendments have been completed. The affidavit of publication for said notice is attached and incorporated herein.
11. The File of Record, Staff Report, and exhibits were received, admitted into the record and considered by the Planning Commission (hearing body).
12. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

CONCLUSIONS

1. The Planning Commission has authority to make a recommendation to the City Council on amendments to the Tonasket Municipal Code.
2. The site of the subject amendments is in the Tonasket city limits located on property within primarily residential, public use and industrial zones. As described, the proposal is consistent with the City's Comprehensive Plan.
3. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

RECOMMENDATION

If the Commission is satisfied that the proposed amendments, as submitted by staff, should be recommended to the City Council for adoption, Staff recommends the following motion:

"I MOVE TO RECOMMEND THE CITY COUNCIL APPROVE THE AMENDMENTS TO CHAPTER 15.16 TMC SUBJECT TO THE FINDING OF FACTS & CONCLUSIONS CONTAINED IN THE STAFF REPORT AND MOVE FORWARD WITH THE FORMAL PUBLIC REVIEW AND APPROVAL PROCES"

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that the City of Tonasket City Council will hold a public hearing during the regular City Council meeting which starts at 6:00 pm on Tuesday, May 9, 2023 at Tonasket City Hall, 209 S. Whitcomb Avenue. The purpose of the hearing is to take testimony on updates to Chapter 15.16 Floodplain Management of the Tonasket Municipal Code. This chapter provides regulations for development within designation flood hazard areas and must be in compliance with federal and state floodplain management statutes in order for landowners to qualify for federal flood insurance.

The hearing will include a review of the chapter and Planning Commission recommendation. All persons requiring assistance in accessing City Hall or need other assistance are requested to contact City Hall at (509) 486-2132 prior to the hearing.

CITY OF TONASKET
ORDINANCE NO. 843

**AN ORDINANCE OF THE CITY OF TONASKET, WASHINGTON
AMENDING CHAPTER 15.16 OF THE TONASKET MUNICIPAL
CODE; ADOPTING AMENDMENTS TO FLOODPLAIN
MANAGEMENT REGULATIONS FOR THE CITY; CONTAINING
A SEVERABILITY PROVISION AND SETTING AN EFFECTIVE
DATE.**

WHEREAS, the CITY of TONASKET has an adopted Floodplain Management Code in accordance with Chapter 86.16 RCW and Chapter 173-158 WAC; and

WHEREAS, the Federal Emergency Management Agency and the state Department of Ecology promulgate and enforce requirements that local governments must adopt and implement floodplain management regulations in order to maintain eligibility for participation in the Federal Flood Insurance Program; and

WHEREAS, in 2022, the CITY participated in a Community Assistance Consultation with the Department of Ecology wherein required and recommended amendments to Chapter 15.16 TMC were provided to the CITY for its consideration; and

WHEREAS, the City Council directed the CITY Planning Commission to review the required and recommended changes provide by Ecology and return a recommendation to the City Council; and

WHEREAS, the Planning Commission reviewed the required and recommended amendments during public meetings in January, February, April, and May, 2022; and

WHEREAS, the Planning Commission accepted a DRAFT amended Chapter 15.16 and released for a 30 day public and agency review which ended in a Public Hearing on June 21, 2022; and

WHEREAS, at conclusion of the Public Hearing, the Planning Commission passed a motion to recommend acceptance of the amended code to the City Council and initiation of the formal 60-day review process through the Department of Commerce required for amendments to Critical Areas regulations; and

WHEREAS, the Council accepted and initiated the formal review process on July 26, 2022; and

WHEREAS, the formal review process ended on September 26, 2022 with no comments received; and NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF TONASKET DO ORDAIN AS FOLLOWS:

Section 1. That the CITY Council hereby adopts updated Floodplain Management regulations (Chapter 15.16 TMC) as set forth in the ~~strikeout~~ document contained in Exhibit "A" to this Ordinance which by this reference is made a part herein as if set forth in full.

Section 2. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or the constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

APPROVED:

René Maldonado, Mayor

ATTEST/AUTHENTICATED:

Alice J. Attwood, City Clerk-Treasurer

APPROVED AS TO FORM:

BY: _____
Michael D. Howe, City Attorney

FILED WITH THE CITY CLERK	:	_____
PASSED BY THE CITY COUNCIL	:	_____
PUBLISHED	:	_____
EFFECTIVE DATE	:	_____
ORDINANCE NO.	:	_____

Chapter 15.16

FLOODPLAIN MANAGEMENT

Sections:

- 15.16.010 Statutory authorization.
- 15.16.020 Findings of fact.
- 15.16.030 Statement of purpose.
- 15.16.040 Methods of reducing flood losses.
- 15.16.050 Definitions.
- 15.16.060 Lands to which this chapter applies.
- 15.16.070 Basis for establishing the areas of special flood hazard.
- 15.16.080 Development permit required.
- 15.16.090 Application for development permit.
- 15.16.100 City permit administrator – Designated administrator.
- 15.16.110 City permit administrator – Duties and responsibilities.
- 15.16.120 Appeal board.
- 15.16.130 Conditions for variances.
- 15.16.140 General construction standards.
- 15.16.150 Anchoring.
- 15.16.160 Construction materials and methods.
- 15.16.170 Utilities.
- 15.16.180 Specific construction standards.
- 15.16.190 Residential construction.
- 15.16.200 Nonresidential construction.
- 15.16.210 Critical facilities.
- 15.16.220 Manufactured homes.
- 15.16.230 Floodways.
- 15.16.240 Wetlands management.
- 15.16.250 Standards for shallow flooding areas (AO zones).
- 15.16.260 Subdivision proposals.
- 15.16.270 Review of building permits.
- 15.16.280 Penalties for noncompliance.
- 15.16.290 Abrogation and greater restrictions.
- 15.16.300 Interpretation.
- 15.16.310 Warning and disclaimer of liability.

15.16.010 Statutory authorization.

The Legislature of the State of Washington has, in Chapter 86.16 RCW and Chapter 173-158 WAC, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, be it ordained by the council of the city of Tonasket, Washington, as follows in this chapter. (Ord. 413 § 1, 1988).

15.16.020 Findings of fact.

A. The flood hazard areas of the city of Tonasket 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 floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. 413 § 2, 1988).

15.16.030 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; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 413 § 3, 1988).
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

15.16.040 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. 413 § 4, 1988).

15.16.050 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.

“Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

A. “Appeal” means a request for a review of the interpretation of any provisions of this chapter or a request for a variance.

B. “Area of shallow flooding” means a designated AO, AH, AR/AO, or AR/AH zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average 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.

C. “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 Flood Insurance Rate Maps (FIRM) is shown as zone A, AO, AH, A1-30, AE, A99, AR. “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

D. “ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

ED. “Base flood” means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

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

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

F “Building” see “structure.”

G. “Building Code” means the currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

HG. “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; and installations which produce, use or store hazardous materials or hazardous waste.

HI. “Development” means any manmade 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.

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

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

K. “Essential Facility” this term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

KL. “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.

LM. “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).

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

MO. “Flood” or “flooding” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.

c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

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

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

N. “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administrator 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).

O. “Flood insurance study” see “Flood Elevation Study.”

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

Q. “Floodplain Administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

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

S. “Floodproofing” 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. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

PT. “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 a designated height. Also referred to as “Regulatory Floodway.”

U. “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.

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

W. “Historic structure” means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 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.

QU. “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 TMC 15.16.190.

RX. “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 connected to the required utilities. For floodplain management purposes, “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, “manufactured home” does not include park trailers, travel trailers and other similar vehicles.

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

Z. “Mean Sea Level” for purposes 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.

T. “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, a floodplain management regulation adopted by a community 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.

U. “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 adopted by the community.

V. “One hundred-year-flood or 100-year flood” see “Base flood.”

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

XU. “Recreational vehicle” means a vehicle:

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.

~~VY.~~ “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 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 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.

~~WX.~~ “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally aboveground.

~~XZ.~~ “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 50 percent of the market value of the structure before the damage occurred.

~~YAA.~~ “Substantial improvement” means any repair, reconstruction, 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 can exclude:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which 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.”

~~ZBB.~~ “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.

~~AACC.~~ “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. 749 § 1, 2014; Ord. 413 § 5, 1988).

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

15.16.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Tonasket. (Ord. 413 § 6, 1988).

15.16.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study for the Town of Tonasket, Washington, Okanogan County,” dated July 1977, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated January 5, 1978, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and FIRM is on file at the Tonasket City Hall, 211 S. Whitcomb Avenue, Tonasket, Washington 98855. The best available information for flood hazard area identification as outlined in TMC 15.16.110(B) shall be

the basis for regulation until a new FIRM is issued that incorporates data utilized under TMC 15.16.110(B). (Ord. 749 § 1, 2014; Ord. 413 § 7, 1988).

15.16.080 Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in TMC 15.16.070. The permit shall be for all structures including manufactured homes, as set forth in definitions in TMC 15.16.050, and for all development including fill and other activities, also set forth in the definitions. (Ord. 413 § 12, 1988).

15.16.090 Application for development permit.

Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator;
- 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 TMC 15.16.200; and
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 413 § 13, 1988).
- E. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation;
- F. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

15.16.100 City ~~permit floodplain~~ administrator – Designated Floodplain Administrator.

The city ~~permit administrator~~planner is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions. (Ord. 438 § 1, 1991; Ord. 413 § 14, 1988).

15.16.110 City permit administrator – Duties and responsibilities.

Duties of the ~~city permit~~Floodplain administrator shall include, but not be limited to:

A. Permit Review.

- 1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
- 2. 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;
- 3. 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 TMC 15.16.230 are met.
- 4. Review all development permits to determine that the site is reasonably safe from flooding.
- 5. Notify FEMA when annexations occur in the Special Flood Hazard Area.
- 6. Notify FEMA of changes to the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with TMC 15.16.070, the city permit 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 TMC 15.16.180 and 15.16.230.

C. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in subsection (B) of this section, 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 (44 CFR 60.3(b)(5)(i)). This shall be recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the ~~local official~~floodplain administrator.

2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (B) of this section:

a. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed (44 CFR 60.3(b)(5)(ii));

b. Maintain the floodproofing certifications required in TMC 15.16.090(C) (44 CFR 60.3(b)(5)(iii)).

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Certification required by Section 15.16.230(A) (floodway encroachments).

5. Records of all variance actions, including justification for their issuance.

6. Improvement and damage calculations.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means; and

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. 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 TMC 15.16.120. (Ord. 749 § 1, 2014; Ord. 438 § 1, 1991; Ord. 413 §§ 15 – 20, 1988).

15.16.120 Appeal board.

A. The city council as established by the city of Tonasket shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the ~~floodplain administrator city clerk treasurer~~ in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the city council, or any taxpayer, may appeal such decision to the Okanogan County superior court.

D. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

E. Upon consideration of the factors of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The ~~floodplain administrator~~ ~~city clerk~~ ~~treasurer~~ shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 413 § 21, 1988).

15.16.130 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 one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in TMC 15.16.120(D)(1) through (11) 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 historic structures ~~listed on the~~, 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:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, the causing of fraud on or victimization of the public as identified in TMC 15.16.120, or conflict with existing local laws or ordinances.

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, or 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.

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. 413 § 22, 1988).

15.16.140 General construction standards.

In all areas of special flood hazards, the standards set out in TMC 15.16.150 through 15.16.170 and TMC 15.16.260 and 15.16.270 are required. (Ord. 413 § 23, 1988).

15.16.150 Anchoring.

A. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

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). (Ord. 413 § 24, 1988).

15.16.160 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. (Ord. 413 § 25, 1988).

15.16.165 Storage of Materials and Equipment.

- 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
- 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

15.16.170 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 and it shall be protected from a 100-year flood and from any surface or subsurface drainage capable of impairing the quality of the groundwater supply in accordance with 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. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 749 § 1, 2014; Ord. 413 § 26, 1988).

15.16.180 Specific construction standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in TMC 15.16.070 or 15.16.110(B), the provisions set out in TMC 15.16.190 through 15.16.220 are required. (Ord. 413 § 29, 1988).

15.16.190 Residential construction.

A. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably determined, New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated ~~to~~ one foot or more above the base flood elevation. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

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:

1. 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.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. 413 § 30, 1988).

4. 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.

C. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

D. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Section 15.16.250.

15.16.200 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall meet the following requirements:~~

1) Meet the standards in section 15.16.190; or

2) If the requirements of section 15.16.190 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following 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 or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effect 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 TMC 15.16.110(C)Section 15.16.110(C)(2);

D. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in TMC 15.16.190Section 15.16.190(B);

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 one foot above the base flood level will be rated as at the base flood level). (Ord. 413 § 31, 1988).

15.16.210 Critical facilities.

Construction of new critical facilities shall 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 be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. 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. 749 § 1, 2014; Ord. 413 § 32, 1988).

15.16.215 Enclosed Area Below the Lowest Floor.

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

15.16.220 Manufactured homes.

A. All manufactured homes to be placed or substantially improved ~~within zones A1—A30, AH and AE on the community's FIRM on sites~~ shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with the provisions of TMC 15.16.150.

~~B. All manufactured homes to be placed or substantially improved within zones A1—A30, AH and AE in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damages shall be (1) elevated so that the lowest floor of the manufactured home is at or above the base flood elevation, or (2) elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system in accordance with the provisions of TMC 15.16.150. (Ord. 507 § 1, 1996; Ord. 413 § 33, 1988).~~

15.16.225 Recreational Vehicles.

Recreational vehicles placed on sites are required to either:

A. Be on site for fewer than 180 days, or

B. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

C. Meet the requirements of Section 15.16.220.

15.16.227 Small Accessory 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:

a)1. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;

b)2. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;

c)3. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

d)4. Any machinery or equipment servicing the appurtenant structure must be elevated or flood proofed to or above the BFE;

- e)5. The appurtenant structure must comply with floodway encroachment provisions in Section 15.16.230(A);
- f)6. The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 15.16.190(B).
- g)7. The structure shall have low damage potential, and
- h)8. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use.
- i)9. The structure shall not be used for human habitation.
- 2)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 15.16.190.
- 3)C. Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

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

In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

15.16.230 Floodways.

Located within areas of special flood hazard established in TMC 15.16.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 - 1. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area;
 - 2. Repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either:
 - a. Before the repair or reconstruction is started; or
 - b. If the structure has been damaged, and is being restored, before the damage occurred;
 - 3. Work done on structures to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the building official and/or fire marshal and which are the minimum necessary to assure safe living conditions or to structures identified as historic places may be excluded from the 50 percent determination in subsection (B)(2) of this section;
 - 4. A residential dwelling located partially within a designated floodway will be considered as totally within a designated floodway and must comply with this chapter;
 - 5. The floodway prohibition in this subsection does not apply to existing farmhouses in designated floodways that meet the provisions of WAC 173-158-075, Existing farmhouse standards. Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and which are

located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 shall be permitted subject to the following:

- a. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
- b. There is no potential safe building site for a replacement farmhouse on the same farm site outside the designated floodway or the location requires close proximity to other structures in the farm operation in order to maintain the integrity and operational viability of the farm; in no case shall a replacement be located into an area with higher flood hazards in terms of depths, velocities and erosion;
- c. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
- d. A replacement farmhouse shall not exceed the total square footage of encroachment of the structure it is replacing;
- e. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within 90 days after occupancy of a new farmhouse;
- f. For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum one foot higher than the base flood elevation;
- g. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;
- h. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
- i. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;

6. Substantially damaged residential dwellings other than farmhouses. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the city, at the request of the owner, may request from Washington Department of Ecology to assess the risk of harm to life and property posed by the specific conditions of the floodway. Based upon scientific analysis of depth, velocity, flood-related erosion, [channel migration](#), and debris load potential, Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement or relocation of a substantially damaged structure [consistent with WAC 173-158-076](#). The property owner shall be responsible for submitting to the city [and the Department of Ecology](#) any information necessary to complete the assessment required by this section when such information is not otherwise available.

a. Recommendation to repair or replace a substantially damaged residential structure located in the regulatory floodway shall be based on the flood characteristics at the site. In areas of the floodway that are subject to shallow and low velocity flooding, low flood-related erosion potential, and adequate flood warning time to ensure evacuation, the Department may recommend the replacement or repair of the damaged structure. Any substantially damaged residential structure located in the regulatory floodway in a high risk zone based on the flood characteristics will not be recommended to be repaired or replaced. Flood warning times must be 12 hours or greater, except if the local government demonstrates that it has a flood warning system and/or emergency plan in operation. For purposes of this subsection flood characteristics must include:

- i. Flood depths cannot exceed more than three feet; flood velocities cannot exceed more than three feet per second.
- ii. No evidence of flood-related erosion. Flood erosion will be determined by location of the project site in relationship to channel migration boundaries adopted by the local government. Absent channel

migration boundaries, flood erosion will be determined by evidence of existing overflow channels and bank erosion.

At the request of the owner, the city may request the Washington Department of Ecology to prepare a report of findings and recommendations for local government concurrence on repair or replacement of substantially damaged residential structures located in the regulatory floodway.

Without a [favorable](#) recommendation from Ecology for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

b. Before the repair, replacement, or reconstruction is started, all requirements of the National Flood Insurance Program, the state requirements adopted pursuant to RCW 86.16.~~031(8)~~, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

i. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

ii. A replacement residential structure is a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

iii. Repairs or reconstruction or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

iv. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the base flood elevation.

v. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.

vi. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.

vii. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

C. If this section [15.16.230\(A\)](#) is satisfied [or construction is allowed pursuant to section 15.16.230\(B\)](#), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of TMC 15.16.140 through 15.16.240, 15.16.260 and 15.16.270. (Ord. 749 § 1, 2014; Ord. 413 § 34, 1988).

15.16.240 Wetlands management.

To the maximum extent possible, avoid the short-term and long-term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts. The following process should be implemented:

A. Review proposals for development within base floodplains for their possible impacts on wetlands located within the floodplain;

B. Ensure that development activities in or around wetlands do not negatively affect public safety, health and welfare by disrupting the wetlands' ability to reduce flood and storm drainage;

C. Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention. (Ord. 413 § 35, 1988).

15.16.250 Standards for shallow flooding areas (AO zones).

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet where a clearly defined channel does not exist, or where the path of flooding is

unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In [addition to other provisions in this code, these areas](#), the following provisions [also](#) apply:

A. New construction and substantial improvements of residential structures [and manufactured homes](#) within AO zones shall have the lowest floor (including basement [and mechanical equipment](#)) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

B. New construction and substantial improvements of nonresidential structures within AO zones shall either:

1. Have the lowest floor (including basement [and mechanical equipment](#)) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in TMC 15.16.200.

C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 413 § 36, 1988).

[D. Recreational vehicles placed on sites within AO zones on the community's FIRM either:](#)

- [1. Be on the site for fewer than 180 consecutive days, or](#)
- [2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanently attached additions; or](#)
- [3. Meet the requirements of subsections \(A\) and \(C\) above and the anchoring requirements for manufactured homes, Section 15.16.220.](#)

15.16.260 Subdivision proposals [and development](#).

A. All subdivision proposals [as well as new development](#) shall be consistent with the need to minimize flood damage.

B. All subdivision proposals [as well as new development](#) 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 [as well as new development](#) shall have adequate drainage provided to reduce exposure to flood damage.

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 50 lots or five acres (whichever is less). (Ord. 413 § 27, 1988).

15.16.270 Review of building permits.

Where elevation data is not available either through the flood insurance study or from another authoritative source (TMC 15.16.110(B)), 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 grade in these zones may result in higher insurance rates. (Ord. 413 § 28, 1988).

15.16.275 Compliance.

[All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.](#)

15.16.280 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. Violation 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 and shall be punishable as set forth in Chapter 1.08 TMC. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 413 § 8, 1988).

15.16.290 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. (Ord. 413 § 9, 1988).

15.16.300 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 413 § 10, 1988).

15.16.310 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood 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 Tonasket, 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. 413 § 11, 1988).

LETTER OF TRANSMITTAL 4/18/2023

To: Honorable Mayor & Council
From: Gayle Mailloux, Chair, Tonasket Planning Commission
Subject: Planning Commission Recommendation on Proposed Amendments to Part III D. Section 6 of the Comprehensive Plan and Chapter 18.08 of the Tonasket Municipal Code
Date: 5/3/2023
Cc: Project File

The Tonasket Planning Commission has completed its review of the Periodic Updates required by the Department of Ecology to the City's Shoreline Master Program (SMP). The amendments are primarily in keeping with changes in Statute (RCW) and Regulations (WAC). The Commission discussed the SMP at nearly every meeting for the past 9 months, including a public workshop on June 21, 2022 and a public hearing on April 18, 2023. The hearing concluded a 30-day public review process wherein only one no comments were received and no public testimony was taken.

At the conclusion of the hearing the following motion was made and passed unanimously:

Motion -

Commissioner Jenkins moved, seconded by Commissioner Hill to recommend that the City Council accept the updated and amended Shoreline Master Program and submit to the Department of Ecology for approval. Passed 4:0.



Gayle Mailloux, Chair

Attachments: SEPA Checklist with Attachments

Alice Attwood

From: Charlie Botsford <charlieb@evcs.com>
Sent: Tuesday, May 2, 2023 6:58 PM
To: Alice Attwood
Cc: Michael Mann; Rebich, Ross G.
Subject: EV Chargers at the Tonasket Visitor Center
Attachments: WCEH SR20 East factsheet_18Apr2023.docx

Hi Alice,

It was great talking with you today. EV Charging Solutions (EVCS) is currently under contract to Washington State Department of Transportation (WSDOT) and Energy Northwest to install EV fast chargers at Newhalem, Twisp, and the City of Pateros. We're currently working with Energy Northwest to submit a grant proposal to WSDOT to continue our chargers on State Route 20 all the way to Idaho, with Tonasket being a strategic location.

We would love to discuss with you installing two fast chargers at the Tonasket Visitor Center as part of our proposal. Attached is a one-page flyer that shows our proposed SR20 corridor of chargers. We would pay for all equipment, installation, operation & maintenance, electricity, and also pay rent.

The visitor center looked like a great location, but if you have other alternatives we're definitely open.

I'm familiar with the process of getting City approval for something like this, so let me know how I can help, and what additional information you might need. If the City likes the idea, we have a one-page non-binding letter of intent for the City to sign that we'll include with our WSDOT proposal.

Best Regards,
Charlie Botsford

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Charles W. Botsford, P.E.
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West Coast Electric Highway
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Twitter: <https://twitter.com/EVCSnetwork>
Instagram: [instagram.com/evcsnetwork/](https://www.instagram.com/evcsnetwork/)
LinkedIn: <https://www.linkedin.com/company/evchargingstations>

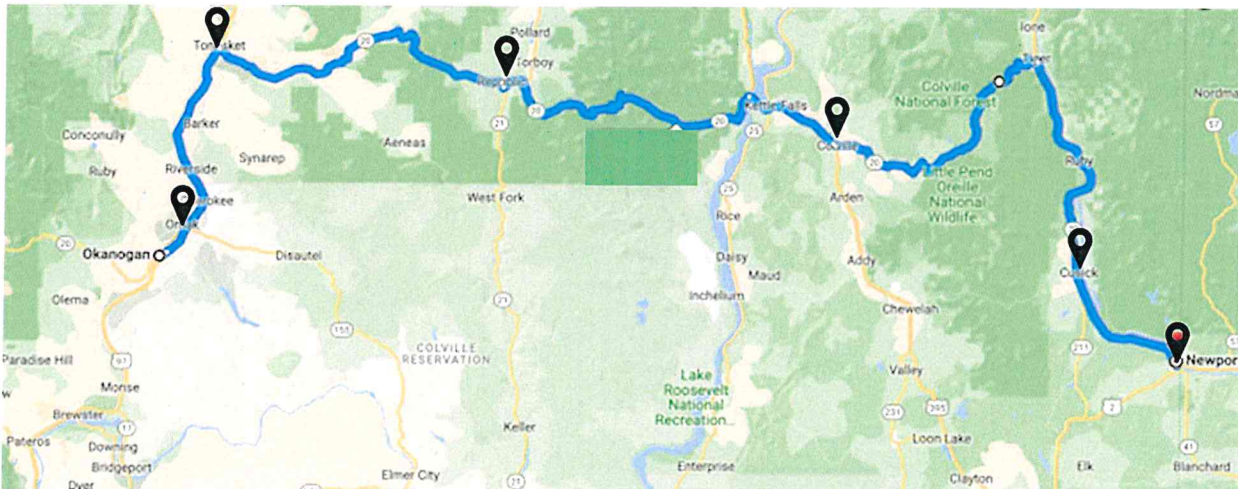
EV Charging Along the State Route 20 East Corridor

To Be Funded by the Washington State Department of Transportation

In 2010, the States of Washington and Oregon initiated the pioneering vision called, the West Coast Electric Highway, the first multi-state network of electric vehicle fast charging stations. Today, the West Coast Electric Highway, owned and operated by EV Charging Solutions (EVCS), forms the backbone of EV charging on north-south and east-west highway and interstate corridors in Washington and Oregon.



The Washington State Department of Transportation (WSDOT) will be providing funding to install electric vehicle fast chargers along State Routes. EVCS would like to propose State Route 20 East from Omak to Newport (approximately 230 miles) as one of those EV charging corridors. This would include: Omak, Tonasket, Republic, Colville, Cusick, and Newport.



EVCS would install either two or four 150kW DC dual port fast chargers, with charging speeds that provide 150-mile range in about 30 minutes of charging at each location. These chargers and their installation will meet all the requirements of the State's grant.

EVCS Provides: EVCS pays for all equipment, installation, and utility costs, and owns and operates the chargers. We also pay rent in the amount of \$0.05/kWh. Aside from the rent, the primary benefit to the site host is to attract EV drivers.

The East SR20 corridor of charging stations would connect with stations we're currently installing at the City of Pateros, Twisp, and Newhalem.



Alice Attwood

Subject: Council Meeting
Location: <https://us02web.zoom.us/j/84254259691>
Start: Tue 5/9/2023 6:00 PM
End: Tue 5/9/2023 9:00 PM
Recurrence: (none)
Meeting Status: Meeting organizer
zmMeetingNum: 84254259691

Alice Attwood is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/84254259691>

Meeting ID: 842 5425 9691

One tap mobile

+12532158782,,84254259691# US (Tacoma)

+12532050468,,84254259691# US

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 253 205 0468 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 346 248 7799 US (Houston)

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

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+1 689 278 1000 US

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