SHOALWATER BAY INDIAN TRIBE
CODE OF LAWS

TITLE 30

SPECIAL FLOOD HAZARD ORDINANCE

ADOPTED _____

TRIBAL COUNCIL RESOLUTION #_____

Resolution #: 12-13-01-61

Adopted: 3/4/93

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TITLE 30
SPECIAL FLOOD HAZARD ORDINANCE

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Chapter 1 STATUTORY AUTHORIZATION AND STATEMENT OF PURPOSE

1.1 Statutory Authorization

The General Council of the Shoalwater Bay Indian Tribe has by Resolution No. 03-04-93-14, delegated the responsibility of the Tribal Council to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Shoalwater Bay Tribal Council does hereby adopt:

1.2 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize areas by methods and provisions designed 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 flood plains, streams channels, and natural protective barriers, which help accommodate or channel flood waters;
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 flood waters or which may increase flood hazards in other areas.

Chapter 2 DEFINITIONS

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

Area of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

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

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling,

grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

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

(1) The overflow of inland or tidal waters and/or
(2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5.2-1(2), (i.e. provided there are adequate flood ventilation openings).

Manufactured Home means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

New Construction means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Recreational Vehicle means a vehicle;

(1) Built on a single chassis;
(2) 400 square feet or less when measured at the largest horizontal projection;
(3) Designed to be self-propelled or permanently towable by a light duty truck; and
(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building including a gas or liquid storage tank or manufactured home that is principally above ground.

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

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

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

The term 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 structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Chapter 3 GENERAL PROVISIONS

3.1 Lands to Which this Ordinance Applies

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Shoalwater Bay Reservation.

3.2 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by a Federal Insurance Administration in a Flood Insurance Study for Pacific County and Incorporated Areas, dated May 18, 2015, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be a part of this ordinance. This Flood Insurance Study includes the lands of the Shoalwater Bay Indian Tribe. The Flood Insurance Study is on file at the Shoalwater Bay Tribal Center.

The best available information for flood hazard area identification as outlined in Section 4.3.2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 4.3.2.

3.3 Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ from costs and expenses involved in the case. Nothing herein contained shall prevent the Shoalwater Bay Indian Tribe from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 Abrogation and Greater Restrictions

This ordinance is not intended to repeal abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or dead restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 Interpretation

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

1) Considered as minimum requirements;
2) Liberally construed in favor of the governing body; and

3) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Shoalwater Bay Indian Tribe, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Chapter 4.01 ADMINISTRATION

4.1 Establishment of Development Permit

A Development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."

4.1.2 Application for Development Permit

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

(1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official.

(2) Elevation in relation to mean sea level to which any structure has been floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 5.2.2;

(4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

4.2 Designation of the Tribal Administrator or Designee

The Tribal Administrator or Designee is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 Duties and Responsibilities of the Tribal Administrator or Designee

Duties of the Tribal Administrator or Designee shall include, but not be limited to:

4.3.1 Permit Review

(1) Review all development permits to determine that the permit requirements of this ordinance 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 Section 5.3.1 are met.

4.3.2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, Basis for Establishing the Areas of Special Flood Hazard, the Tribal Administrator or Designee shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 5.2.1, Specific Standards, Residential Construction, and 5.2.2, Specific Standards, Nonresidential Construction and 5.4 Floodways.

4.3.3 Information to be Obtained and Maintained

(1) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 4.3.2, 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. Recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official.

(2) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided though the FIS, FIRM, or as required in Section 4.3.2;

i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed.
ii. Maintain the floodproofing certifications required in Section 4.1.2(3) (44 CFR 60.3(b)(5)(iii)).

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3.4 Alteration of Watercourses

(1) Notify adjacent communities and the prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

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

4.3.5 Conditions for Variances (Excerpts summarized from 44 CFR 60.6(a)(1-7)

(1) 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 small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

(2) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

i. A showing of good and sufficient cause;
ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(5) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated

residential neighborhoods. As such, variances from flood elevations should be quite rare.

(6) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing that watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 4.3.5(1), and otherwise complies with Sections 5.1.1 Anchoring, 5.1.3 Utilities, and 5.1.4 Subdivision Proposals of the General Standards.

(7) Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

4.3.6 Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of 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. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76).

Chapter 5 PROVISIONS FOR FLOOD HAZARD PROTECTION

5.1 General Standards

In all areas of special flood hazards the following standards are required:

5.1.1 Anchoring

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

i. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;

ii. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
iii. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
iv. Any additions to the manufactured home be similarly anchored.

(3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the Tribal Administrator or Designee that this standard has been met.

5.1.2 Construction Materials and Methods

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1.3 Utilities

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1.4 Subdivision Proposals

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities, and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) 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 5 acres (whichever is less).

5.1.5 Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 4.3.2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and included use of historical date, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

5.2 Specific Standards

In all of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2 Basis for Establishing the Areas of Special Flood Hazard or Section 4.3.2 Use of Other Base Flood Data, the following provisions are required:

5.2.1 Residential Construction

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to 1 foot above base floor elevation.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devised provided that they permit the automatic entry and exit of floodwaters.

(iv) Below grade, crawlspaces are prohibited at sites where the velocity of floodwater exceeds five feet per second.

(v) All building utility systems within the crawlspace shall be elevated above base flood elevation or be designed so that floodwaters cannot enter or accumulate within the system component during flood.

(vi) The interior of a crawlspace below the base flood elevation must not be more than 2 feet below the lowest adjacent exterior grade (LAG) and the height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation must not exceed 4 feet at any point.

(vii) Below grade, crawlspaces constructed in accordance with the requirements listed in this subsection shall not be considered basements. However, applicants who construct buildings that have below grade crawlspaces are hereby advised that such buildings will have higher flood insurance premiums than buildings that have crawlspaces with interior elevations at or above the lowest adjacent grade.

5.2.2 Nonresidential Construction

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated 1 foot or more above the base flood elevation; or together with attendant utility and sanitary facilities, shall:

i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
ii. Have structural components capable of resisting hydrodynamic loads and effects of buoyance; and
iii. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 4.3.3(2).

(2) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2.1(2).

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

5.2.3 Manufactured Homes

(1) All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be

securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(2) No manufactured home shall be placed in a floodway, except in an existing manufactured home park or existing manufactured home subdivision.

5.2.4 Recreational Vehicles (44 CFR 60.3(c)(14))

Recreational vehicles placed on sites are required to either:

(1) Be on the site for fewer than 180 consecutive days; or
(2) 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
(3) Meet the requirements of 5.2.3 above and the elevation and anchoring requirements for manufactured homes.

5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways (44 CFR 60.3(c)(10))

In areas with base flood elevations (but 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.

5.4 Floodways

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
(2) If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, Provisions for Flood Hazard Reduction.

5.6 Coastal High Hazard Areas

Located within areas of special flood hazard established in Section 3.2 are Coastal High Hazard Areas, designated as Zones V1-V30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply;

(1) All new construction and substantial improvements in Zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and

ii. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in and given year (100-year mean recurrence interval);

(2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section 5.6(1)(i) and (ii).

(3) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30 and VE, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.

(4) All new construction shall be located landward of the reach of mean high tide.

(5) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls

which exceed a design safe loading resistance of 30 pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

i. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

ii. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a none percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(6) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

(7) Prohibit the use of fill for structural support of buildings.

(8) Prohibit man-made alteration of sand dunes which would increase potential flood damage.

(9) All manufactured homes to be placed or substantially improved within Zones V1-V30, V, and VE on the communities FIRM on sites:

i. Outside of a manufactured home park or subdivision,
ii. In a new manufactured home park or subdivision,
iii. In an expansion to an existing manufactured home park or subdivision, or
iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

Meet the standards of paragraphs 5.6(1) through (8) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the FIRM meet the requirements of Section 5.2-3.

(10) Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either:

i. Be on the site for fewer than 180 consecutive days,

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

iii. Meet the requirements of Section 4.1-1 Permitting Requirements and paragraphs 5.6(1) through (8) of this section.

5.7 Critical Facility

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.

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Attachment A – 2013 FEMA Flood Insurance Rate Maps (FIRM's)

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NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. **The community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS Report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study Report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Washington State Plane South Zone (FIPS zone 4602). The **horizontal datum** was NAD 83, GRS 1980 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

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NGS Information Services
NOAA, N/NGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242**, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was derived from multiple sources. Basemap files were provided in digital format by Pacific County GIS and by the Washington State Department of Natural Resources. This information was compiled at a scale of 1:24,000. Aerial photography was provided by the NAIP dated 2009 at a 1 meter resolution.

The **profile baselines** depicted on this map represent the hydraulic modeling baselines that match the flood profiles in the FIS report. As a result of improved topographic data, the **profile baseline**, in some cases, may deviate significantly from the channel centerline or appear outside the SFHA.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables for multiple streams in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

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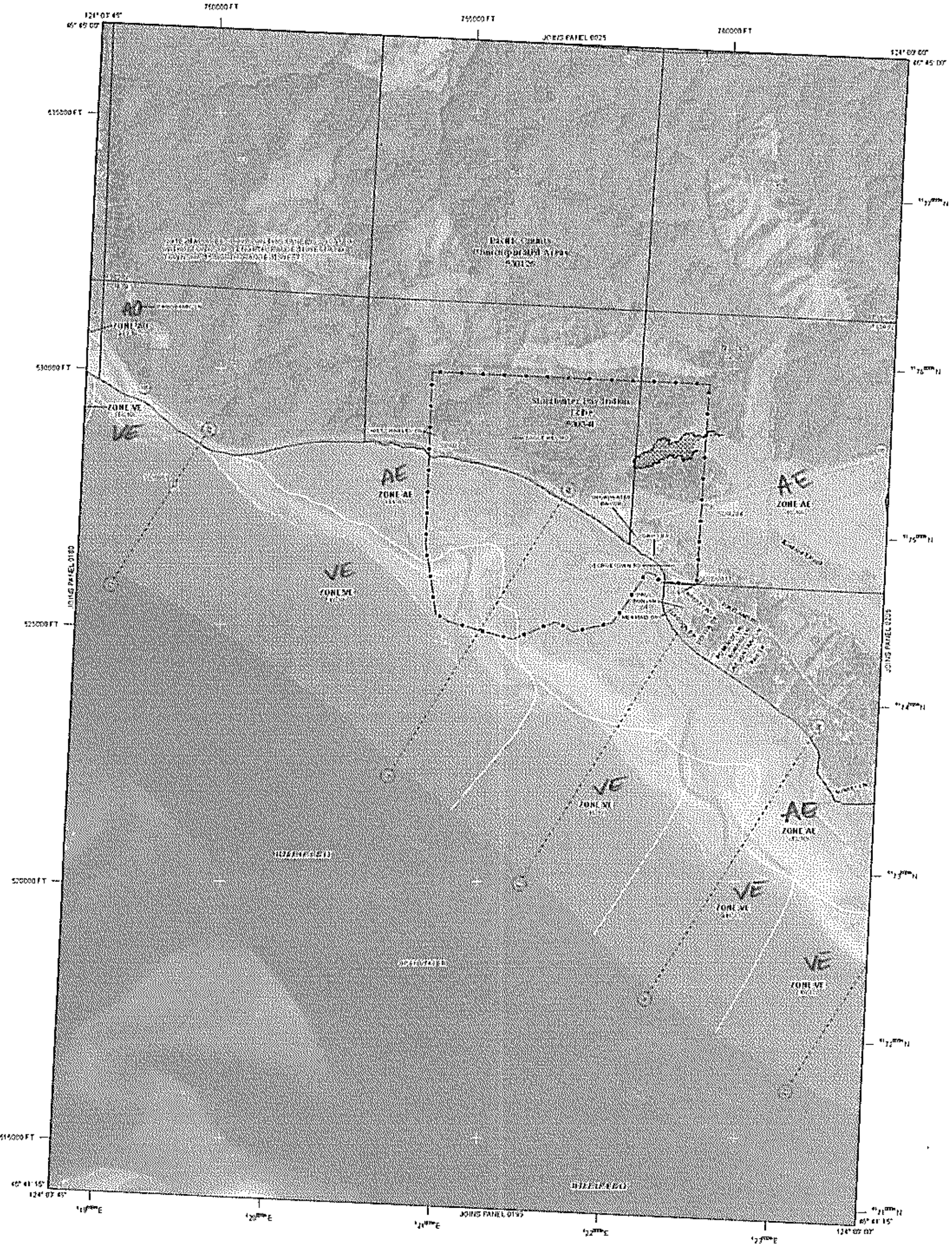

LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	1% Annual Chance Floodplain Boundary
	0.2% Annual Chance Floodplain Boundary
	Floodway boundary
	Zone D boundary
	CBRS and OPA boundary
	Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths, or flood velocities.
513	Base Flood Elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

(A)——(A)	Cross section line
(23)- - -(23)	Transect line
	Culvert
	Bridge
	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83) Western Hemisphere
5000-foot ticks	5000-foot ticks: Washington State Plane South Zone (FIPS Zone 4602), Lambert Conformal Conic projection
	1000-meter Universal Transverse Mercator grid values, zone 10N
	Bench mark (see explanation in Notes to Users section of this FIRM panel)
	River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 1000'

500 0 1000 2000 FEET

300 0 300 600 METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0185D

FIRM

FLOOD INSURANCE RATE MAP

PACIFIC COUNTY, WASHINGTON AND INCORPORATED AREAS

PANEL 185 OF 875

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
53049C0185D

EFFECTIVE DATE

Federal Emergency Management Agency

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS Report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study Report for this jurisdiction.

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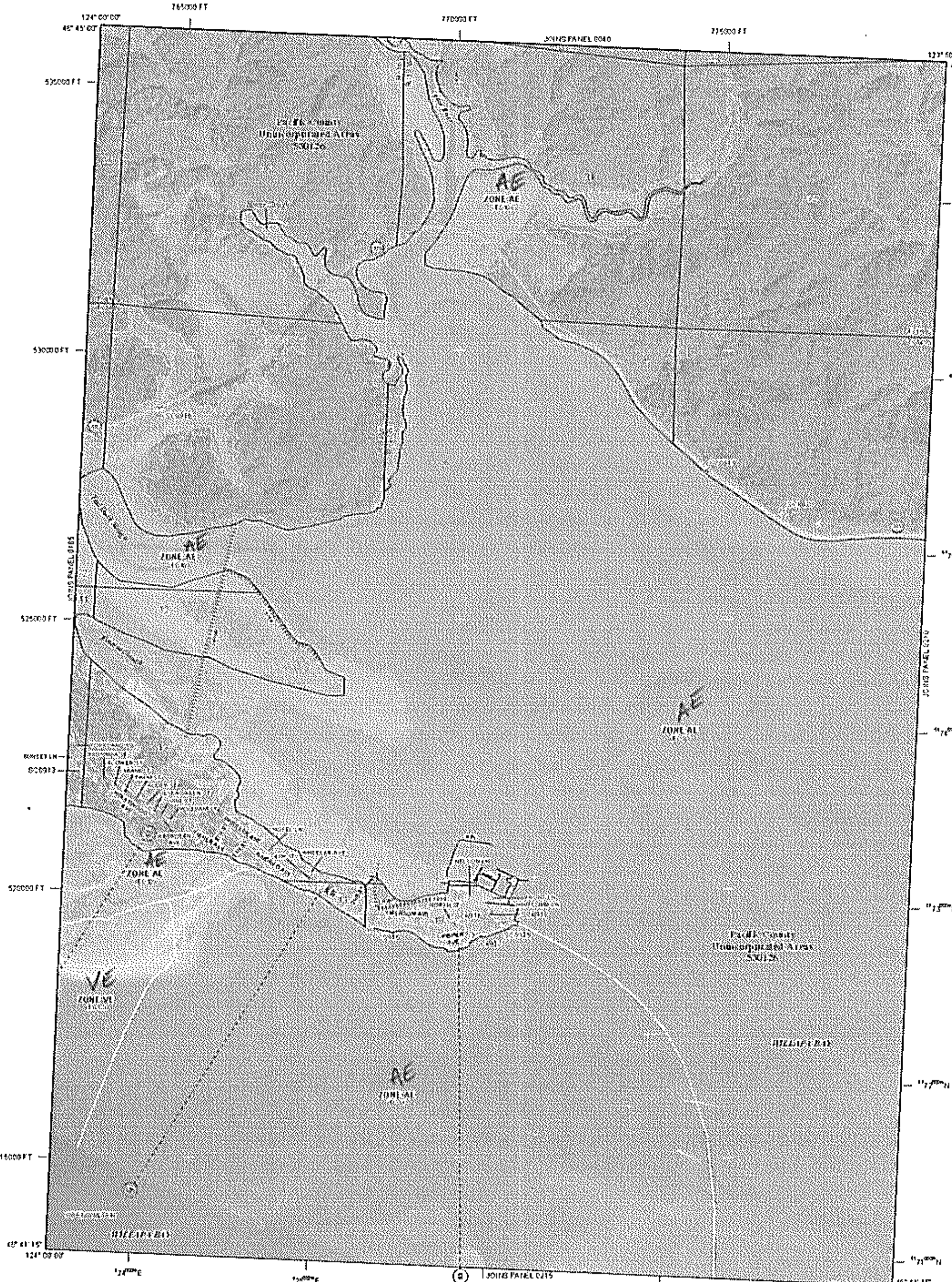

LEGEND

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0.2% Annual Chance Floodplain Boundary
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Zone D boundary
CBRS and OPA boundary
Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths, or flood velocities.
513 — Base Flood Elevation line and value; elevation in feet*
(EL 987) — Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

(A)—(A) Cross section line
(23)- - - -(23) Transect line
Culvert
Bridge
45°02'08", 93°02'12" — Geographic coordinates referenced to the North American Datum of 1983 (NAD 83) Western Hemisphere
3100000 FT — 5000-foot ticks: Washington State Plane South Zone (FIPS Zone 4602), Lambert Conformal Conic projection
^{47}89^{000m}N — 1000-meter Universal Transverse Mercator grid values, zone 10N
DX5510 × — Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5 — River Mile

MAP REPOSITORIES
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EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

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500 0 1000 2000 FEET
300 0 300 600 METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0205D

FIRM
FLOOD INSURANCE RATE MAP

PACIFIC COUNTY, WASHINGTON
AND INCORPORATED AREAS

PANEL 205 OF 875

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
PACIFIC COUNTY	530126	0205	D

PRELIMINARY

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
53049C0205D

EFFECTIVE DATE

Federal Emergency Management Agency

Attachment B – Shoalwater Bay Indian Tribe Resolution #12-13-01-61

DRAFT

SHOALWATER BAY INDIAN TRIBE
P.O. Box 130 • Tokeland, Washington 98590
Telephone (360) 267-6766 • FAX (360) 267-6778

SHOALWATER BAY INDIAN TRIBE
RESOLUTION # 12-13-01-61

WHEREAS, the Shoalwater Bay Indian Tribe is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in Tokeland in the State of Washington; and

WHEREAS, the Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Indian Tribe in accordance with their Constitution and By-laws; and

WHEREAS, the Shoalwater Bay Tribal Council is responsible for protecting and enhancing the social, health, education and economic well-being of Tribal members; and

WHEREAS, the Tribal Council recognizes the need for a Flood Disaster Prevention Ordinance to satisfy the requirements of USDA Rural Development regarding grant funding and loan guarantees for Shoalwater Bay Indian Tribe, and because the reservation in Tokeland lies within the 100 Year Flood Plain Classification; and

WHEREAS, there have been no incidences of flooding on the Shoalwater Bay Indian Tribe's reservation, according to historical or anecdotal sources; however, due to the reservation's proximity to Willapa Bay, although highly unlikely, it's remotely possible certain areas of the reservation could experience flooding, mudslides (i.e. mudflow) or flood-related erosion, causing serious damage to properties within this area; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Tribal Council to require the recognition and evaluation of flood, mudslides (i.e. mudflow) or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, the Shoalwater Bay Indian Tribe's Tribal Council has the authority to adopt land use and control measures to reduce future flood losses;

NOW, THEREFORE, BE IT RESOLVED that this Council hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary and maintain in force in those areas having flood, mudslides (i.e. mudflow) and/or flood-related erosion hazard potential, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations; and

2. Vests the Tribe's Tribal Council or their designate with the responsibility, authority and means to:

- Delineate the limits of the area having special flood, mudslide (i.e. mudflow) or flood-related erosion hazards.

- Cooperate with Federal, State and local agencies and private firms that undertake to study, survey, map and identify floodplain, mudslide (i.e. mudflow) or flood-related erosion areas and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

3. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Shoalwater Bay Tribal Council hereby approves adoption of the Flood Disaster Prevention Ordinance and application for participation in the National Flood Insurance Program.

CERTIFICATION

This Resolution was adopted at a regular meeting of the Shoalwater Bay Tribal Council, at which a quorum was present on December 13 2001 by a vote of 4 FOR, 0 AGAINST and 0 ABSTENTIONS.

Herbert Whitish, Chairman
Shoalwater Bay Tribal Council

Lynn Clark, Secretary
Shoalwater Bay Tribal Council

Attachment C – Shoalwater Bay Indian Tribe Resolution #_____

DRAFT