

Presented by: Planning Commission
Presented: 04/05/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-06

An Ordinance Amending the Land Use Code Relating to Floodplain Regulations.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 49.70.400 Floodplain, is amended to read:

49.70.400 Floodplain.

...

(b) *Interpretation.*

(1) In the interpretation and application of this article, all provisions are considered minimum requirements and are liberally construed in favor of the governing body.

(2) This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where the provisions of this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(3) This article shall apply to all areas of Special Flood Hazard Areas (SFHAs) within the jurisdiction of the City and Borough of Juneau.

(4) The Special Flood Hazard Areas identified by the Federal Insurance Administrator (FIA) in a scientific and engineering report entitled the "Flood Insurance Study" (FIS) and the Flood Insurance Rate Maps (FIRMs) dated September 18, 2020 for the City and Borough of Juneau, Alaska are adopted. The FIS and FIRMs shall be on file with the Community Development Department and available to the public at 155 South Seward Street, Juneau, Alaska.

(c) *Implementation.*

The director is responsible for administering and implementing the provisions of this chapter and is responsible for maintaining for public use and inspection appropriate records and information relevant to implementation of this chapter. Such records and information must include:

- (1) Actual elevations, in relation to Mean Lower Low Water, of the lowest floor, including basement, of all new or substantially improved structures located in the Special Flood Hazard Area (SFHA), and whether or not such structures have basements;
- (2) Actual elevations, in relation to Mean Lower Low Water, of all new and substantially improved flood-proofed structures and the required flood-proofing certifications;
- (3) Flood Insurance Studies (FISs);
- (4) Flood Insurance Rate Maps (FIRMs);
- (5) Any reports or studies on flood hazards in the community, such as written reports by the U.S. Army Corps of Engineers, U.S. Geological Survey, or private firms provided to the director; and
- (6) A file of all floodplain permit applications, permits, exceptions, and supporting documentation.

(d) *Enforcement.* Enforcement of this chapter is per CBJ 49.10.600-660.

(e) *Floodplain Development Permit Required.*

A Floodplain Development Permit is required for any development or industrial uses located within a Special Flood Hazard Area, including placement of manufactured homes. The director must:

- (1) Review all Floodplain Development Permit applications for development in the Special Flood Hazard Area for compliance with the provisions of this chapter, and to determine if other permits may be necessary from local, state, or federal governmental agencies.
- (2) Interpret the location of the Special Flood Hazard Area boundaries and regulatory floodway. If there appears to be a conflict between a mapped boundary and actual field conditions, the director must determine and interpret the documents. When base flood elevation data has not been provided, the director shall obtain, review, and reasonably utilize base flood elevation and floodway data available from any federal, state, municipal, or any other source to implement the provisions of this chapter.

(3) If the director determines that a proposed development is within a Special Flood Hazard Area, a permit fee must be collected and the following information must be provided before processing a Floodplain Development Permit:

- (A) Elevation of the lowest floor, including a basement, of all structures;
- (B) Elevation to which any structure has been floodproofed;
- (C) Certification by an engineer or architect that the floodproofing methods for any nonresidential structure meet generally accepted floodproofing standards;
- (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- (E) Description of the plan for maintenance of the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished; and
- (F) When base flood elevation data have not been provided, the director shall obtain, review and reasonably apply any base flood elevation and floodway data available from federal, state or other sources.

(f) *Methods of reducing losses.* In order to accomplish its purpose, this article includes methods and provisions to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Control filling, grading, dredging, and other development that may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas.

(g) *General standards for flood hazard protection.* In Special Flood Hazard Areas the following standards apply:

- (1) Anchoring.
 - (A) Design, modify, and anchor new construction and substantial improvements to prevent flotation, collapse, or lateral movement of the structure(s).
 - (B) A manufactured home must be anchored to prevent flotation, collapse, or lateral movement and 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.
 - (C) An alternative method of anchoring may be used if the system is designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the director that this standard is met.
- (2) Construction materials and methods.
 - (A) Construct new construction and substantial improvements with materials and utility equipment resistant to flood damage.
 - (B) Use methods and practices that minimize flood damage for new construction and substantial improvements.
 - (C) Design or locate electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (D) Require adequate drainage paths around structures on slopes to guide floodwaters away from existing and proposed structures for new construction and substantial improvements within Zones AH and AO.
- (3) Utilities.
 - (A) Design new and replacement water supply systems to minimize or eliminate infiltration of floodwaters into the system.
 - (B) Design new and replacement sanitary sewage systems to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 - (C) Locate on-site waste disposal systems to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision and development proposals must meet the following criteria:
 - (A) Be designed to minimize flood damage;

- (B) Locate and construct utilities and facilities, such as sewer, gas, electrical, and water systems to minimize flood damage;
 - (C) Provide adequate drainage to reduce exposure to flood damage; and
 - (D) Include base flood elevation data if the development consists of at least 50 lots or five acres, whichever is the lesser. If base flood elevation data is not available, the proposal must provide the data and backup information for how the base flood elevation data was generated for the proposal.
- (5) Review of Floodplain Development Permits must include:
- (A) Review of the Flood Insurance Rate Map and Flood Insurance Study for flood zone determinations for new or substantially improved structures;
 - (B) For new or substantially improved structures:
 - (i) Submittal of the proposed and finished lowest floor elevations in Zones A, AE, AO, and AH.
 - (ii) Submittal of the proposed and finished bottom elevation of the lowest horizontal structural member of the lowest floor and its distance from the mean lower low water mark in Zones V and VE; and
 - (iii) Submittal of specific requirements for Zones V and VE as set forth in 49.70.400(i).
 - (C) In Zones A and V, where elevation data are not available through the Flood Insurance Study or from another authoritative source, applications for Floodplain Development Permit shall be reviewed to ensure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and may be based on historical data, high water marks, photographs of past flooding, and other similar or relevant data. Failure to elevate construction at least two feet above grade in these zones may result in higher insurance rates.
 - (D) Provision of an elevation certificate to demonstrate that the lowest floor of a structure is at or above base flood elevation. The certification must be provided on a form approved by the National Flood Insurance Program and prepared by a registered land surveyor or professional engineer who is licensed in the State of Alaska and authorized to certify such information. This requirement may be waived by the director if an approved record elevation demonstrates that the lowest floor is substantially above the base flood elevation due to natural ground level.
- (6) Other permits. The applicant must certify that all other necessary permits have been obtained from any federal or state governmental agencies.

(7) Maintain altered or relocated portions of a Special Flood Hazard Area mapped watercourse so that the flood-carrying capacity is not diminished. The Department must notify the state coordinating agency, if any, and the Federal Emergency Management Agency prior to issuance of a Floodplain Development Permit that seeks to alter or relocate any watercourse within a Special Flood Hazard Area.

(h) *Specific standards for flood hazards protection.* In Special Flood Hazard Areas where base flood elevation data is provided, the following provisions are required:

(1) New structures or substantial improvements. Fully enclosed areas below the lowest floor of new construction or substantial improvements, that are useable solely for parking of vehicles, building access, or storage in an area other than a basement, must 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 licensed in the State of Alaska or must meet or exceed the following minimum criteria:

(A) Provide 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;

(B) Height of the bottom of all openings must be no higher than one foot above grade; and

(C) Openings may be equipped with screens, louvers, or other coverings or devices provided that the automatic entry and exit of floodwaters is allowed.

(2) Residential construction. New construction and substantial improvement of any residential structure:

(A) Construct the lowest floor, including basement, elevated to or above the base flood elevation within Zones A, AE, or AH; or

(B) Construct the lowest floor elevated to the base flood depth number specified on the Flood Insurance Rate Map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within Zone AO.

(3) Manufactured homes. New or substantially improved manufactured homes must:

(A) Be placed at or above, the base flood elevation, within Zones A, AH, or AE, and shall be elevated to, or above, the base flood elevation, and comply with subsection (g); or

(B) Elevate the lowest floor to the depth number specified on the Flood Insurance Rate Map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within Zone AO; and meet the provisions of subsection (g)(1).

(4) Recreational vehicles. Recreational vehicles placed within any Special Flood Hazard Area must be:

- (A) Situated on the site for fewer than 180 consecutive days;
- (B) Fully licensed, operational, and approved for road use; or
- (C) Meet the requirements of subsection (h)(3).

(5) Nonresidential construction. New construction or substantial improvement of any nonresidential structure must:

- (A) Elevate the lowest floor, including basement, to or above the base flood elevation within Zones A, AE, and AH;
- (B) Elevate the lowest floor to the depth number specified on the Flood Insurance Rate Map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within Zone AO; or
- (C) Floodproof the area below the base flood elevation within Zones A, AE, AH, and AO, so that:
 - (i) The structure and utility and sanitary facilities are watertight with walls substantially impermeable to the passage of water;
 - (ii) Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (D) A flood-proof structure must be designed by an engineer or architect licensed in the State of Alaska, certifying that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on the engineer's or architect's development or review of the structural design, specifications, and plans. Certification must be provided to the director;
- (E) Applicants proposing to floodproof nonresidential buildings must be notified at the time of Floodplain Development Permit application that flood insurance premiums are based on rates that are one foot below the floodproofed level.

(6) Industrial uses. Industrial uses within the Special Flood Hazard Area are subject to the following provisions:

- (A) Sand and gravel operations, recreation activities, open space, and parking lots may be allowed in 100-year floodplains if the use does not increase the flood hazard.

(B) Industrial equipment and raw materials stored in 100-year floodplains must be adequately bermed or otherwise protected.

(C) Disposal of hazardous materials in 100-year floodplains is prohibited. No new development that involves storage of hazardous materials will be permitted in the 100-year floodplain unless there is no feasible and prudent alternative and adequate safety measures are provided to prevent accidental discharge.

(D) Establishment of sanitary landfills in floodplains is prohibited.

(7) Increasing water surface elevation in Special Flood Hazard Area mapped watercourses where floodways are not mapped. Notwithstanding any other provisions of this article, development in Zones A, AE, and AH may increase the water surface elevation of the base flood:

(A) Up to one foot with the submittal of an analysis completed by an engineer licensed in the State of Alaska demonstrating the cumulative effects of the proposed, existing and anticipated, development to the base flood; or

(B) By more than one foot only after a conditional letter of map revision and final letter of map revision is approved by the Federal Emergency Management Agency flood insurance administrator.

(i) *Additional provisions in floodways.*

(1) Residential and nonresidential structures are prohibited in floodways, no exceptions apply. Culverts and bridges are not subject to this prohibition.

(2) Encroachments, including fill, new construction, and other development, except subdivisions, within a floodway are prohibited unless an engineer licensed in the State of Alaska submits a hydrologic and hydraulic analyses to the director indicating that the encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. The hydrologic and hydraulic analyses must be performed in accordance with standard engineering practice acceptable by the Federal Emergency Management Agency.

(3) Development along a floodway cannot increase the water surface elevation unless a conditional letter of map revision and final letter of map revision that revises the floodway are approved by the Federal Emergency Management Agency.

(j) *Additional provisions in Zones VE and V.*

(1) New construction and substantial improvements in Zones V and VE must be elevated on pilings and columns so that:

(A) The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation; and

(B) 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 must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used are those required by applicable state statute and local code. A registered professional engineer or architect licensed in the State of Alaska must develop or review the structural design, specifications, and plans for the construction and must certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (j)(1)(A) and (B) of this section.

(C) The use of fill for structural support of buildings is prohibited.

(2) In Zones VE and V, new habitable construction must be located landward of the reach of mean high tide.

(3) In Zones VE and V, new construction and substantial improvements must have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, 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.

(4) Breakaway walls must have a design safe loading resistance of not less than ten pounds per square foot and no more than 20 pounds per square foot. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect licensed in the State of Alaska certifies that the designs proposed meet the following conditions:

(A) Breakaway wall collapse must result from a water load less than that which would occur during the base flood; and

(B) The elevated portion of the building and supporting foundation system must 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 must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used shall be those required by applicable state statute and local code.

(C) Enclosed space within breakaway walls are limited to parking of vehicles, building access, or storage. Such space must not be used for human habitation.

(k) Warning and disclaimer of liability. The degree of flood protection required by this article is intended for minimum regulatory purposes only and is based on general scientific and engineering principles. Floods larger than expected, can and will occur. Flood heights may be increased by human or natural causes. This article 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 article shall not create liability on the part of the City and Borough, any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision made thereunder.

Section 3. Amendment of Section. CBJ 49.70.410 Exceptions, is amended to read:

49.70.410 Exceptions.

(a) The Planning Commission shall hear all applications for an exception from the provisions of this article, and are limited to the powers granted in this article and those necessarily implied to ensure due process and to implement the policies of this article.

(b) In passing upon such application, the Planning Commission must consider all technical evaluations, relevant factors, standards specified in other sections of this article, and:

- (1) The danger that materials may be swept onto other lands and cause injury to other persons or property;
- (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.

(c) Exceptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b)(1)—(b)(11) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the exception increases.

(d) Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the Commission may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article.

(e) Exceptions may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.

(f) Exceptions must not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(g) Exceptions must only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.

(h) Exceptions must only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the exception would result in exceptional hardship to the applicant; and

(3) A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local laws or ordinances.

(i) Reserved.

Section 4. Amendment of Section. CBJ 49.80.120 Definitions, is amended to **delete** the following definitions:

Alaska Coastal Management Program and *ACMP* mean the state coastal management program which was developed as provided in AS 46.40, 6 AAC 80, and 6 AAC 85, and approved by the Secretary of the United States Department of Commerce under authority of Section 305 of the Coastal Zone Management Act of 1972, as amended, 16 USC 1454.

Base flood depth means the depth shown on the flood insurance rate map for Zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Flood hazard factor (FHF) means the average weighted difference between the ten-year and 100-year floodwater multiplied by ten.

Section 5. Amendment of Section. CBJ 49.80.120 Definitions, is amended to include the following **new definitions** in alphabetical order:

Area of shallow flooding, for the purposes of Chapter 49.70.400, Flood Hazard Areas, means a designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Basement, for the purposes of Chapter 49.70. Article IV, Flood Hazard Areas, means any area of a building, including any sunken room or sunken portion of a room, having its floor below ground level on all sides.

Floodplain Development Permit means a permit issued by the Department to allow development that conforms with the standards of Chapter 49.70. Article IV, Flood Hazard Areas.

Lowest floor elevation, for the purposes of Chapter 49.70.400, Flood Hazard Areas, means the measured distance of a building's lowest floor above Mean Lower Low Water specified on the Flood Insurance Rate Map (FIRM) for the City and Borough of Juneau.

New construction, for the purposes of Chapter 49.70, Article IV, Flood Hazard Areas and for flood insurance rates, means structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Section 6. Amendment of Section. CBJ 49.80.120 Definitions, is **amended** at the following definitions:

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, processes, equipment, goods or materials. For the purposes of Chapter 49.70. Article IV, *building* means a structure with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or a manufactured home; or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

Development means any of the following:

...

(11) For the purposes of Chapter 49.70. Article IV, Flood Hazard Areas, 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.

Fill means a deposit of material placed by artificial means. Berms are classified as fill.

Finished elevation means the proposed elevation of the land surface of a site after completion of all site preparation work.

Floodplain or flood-prone area, means any land area susceptible to being inundated by water from any source.

Lowest floor, for the purposes of Chapter 49.70, Article IV, Flood Hazard Areas, means the lowest floor of the lowest enclosed area (including a 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 it does not violate subsection 49.70.400(h)(1).

Mobile home means a detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on a truck or trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like, and includes recreational vehicles used outside of a recreational vehicle park as living quarters, other than as temporary living quarters for recreational, camping, or travel purposes. For the purpose of Chapter 49.70. Article IV, Flood Hazard Areas, a *mobile home* is the same as a *manufactured home*.

Ordinary high water mark means:

(1) In the non-tidal portion of a river, lake, or stream: the portion of the bed(s) and banks up to which the presence and action of the non-tidal water is so common and usual, and so long continued in all ordinary years, as to leave a natural line or "mark" impressed on the bank or shore and indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics;

(2) In a braided river, lake, or stream; the area delimited by the natural line or "mark", as defined in part 1 above, impressed on the bank or shore of the outside margin of the most distant channels; or

(3) In a tidally influenced portion of a river, lake, or stream, setbacks shall be taken from the mean high water elevation or from the ordinary high water mark, whichever offers greater protection to the water body.

Recreational vehicle means a vehicle primarily designed and intended as temporary living quarters for recreation, camping, or travel uses, which either has its own motive power or is mounted on or drawn by another vehicle for moving from one location to another without a change in structure or design, and identified or required to be identified by a license number, registration number, serial number, or motor number for operation on state highways. For the purposes of Chapter 49.70. Article IV, Flood Hazard Areas, *recreational vehicle* means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area (SFHA) means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A, AE, A99, AR (V, VO, VE). “Special Flood Hazard Area” is synonymous in meaning with the phrase “area of special flood hazard”.

Start of construction, for the purposes of Chapter 49.70.400, Flood Hazard Areas, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition 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.

Substantial damage, for the purposes of Chapter 49.70.400, Flood Hazard Areas, means damage of any origin 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.

Substantial improvement, for the purposes of Chapter 49.70.400, Flood Hazard Areas, means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. This term does not include either:

1. Any project or improvement of a building to correct existing violations of a state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Section 7. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule:

...

(8) Special use or area.

...

(H) Floodplain Development Permit

- (i) Minor development, no building permit required. \$45.00;
- (ii) Major development, building permit required. \$100.00;
- (iii) Exception, \$400.00.

...

Section 8. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 26th day of April, 2021.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk