

**WAC 173-158-076 Substantially damaged residential dwellings other than farmhouses.** For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the department, at the request of the local government, is authorized 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 and debris load potential, the department may exercise best professional judgment in recommending to the local permitting authority repair, replacement or relocation of a substantially damaged structure. The property owner shall be responsible for submitting to local government any information necessary to complete the assessment required by this section when such information is not otherwise available.

(1) 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 twelve 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 paragraph flood characteristics must include:

(a) Flood depths can not exceed more than three feet; flood velocities cannot exceed more than three feet per second.

(b) 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 local government, the department will 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 recommendation from the department 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).

(2) 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:

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

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

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

(d) 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.

(e) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.

(f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.

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

[Statutory Authority: Chapter 86.16 RCW. WSR 02-15-093 (Order 00-26), § 173-158-076, filed 7/16/02, effective 8/16/02.]