


**Planning and Public Works Department  
DEVELOPMENT ENGINEERING SECTION POLICY**

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<b>Policy Number:</b>	<b>DE POL - 4017</b>
<b>Title:</b>	<b>Application of 18E.70.040. C.2.a Flood Fringe Areas</b>
<b>Date:</b>	<b>August 25, 2018</b>
<b>Management Approval:</b>	
<b>Related Documents:</b>	<b>N/A</b>

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**Implementation of Section 18E.70.040. C.2 Flood Fringe Areas:**

The purpose of this policy is to provide staff with additional direction for implementing the above section of the floodplain regulation.

This section of code allows development within the flood fringe on subdivision lots and lots of record that were created prior to, or existed prior to March 1, 2005.

This section of code requires that proposed development as a first choice avoid the flood fringe when feasible alternatives exist. For purposes of implementation of this section some feasible alternatives include:

1. Relocating the proposed development outside of the floodplain.
2. Obtaining a building setback variance or a deviation to the road standards such that development would be located outside of the floodplain.
3. Downsizing the development proposal.
4. Configuring proposed lots such that a standard building envelope, and any necessary lot infrastructure (septic drainfield, reserve drainfield area, wellhead area, storm drainage bmps, etc.) are available and will be located outside of the floodplain.

This section of code does not prohibit the creation of new lots within the flood fringe, however as noted in # 4 above new lots must be configured in such a way that there will be room for the expected structures and infrastructure. In other words, a new lot should not be created where reasonable expectation of development would not be fully compliant with Title 18E or be rendered unbuildable by application of other floodplain regulation sections or other code sections.

While this section of code does not prohibit the creation of new lots (aka development) in the flood fringe, it is based on the condition that proposed development cannot cause adverse impacts to adjacent, cross-channel, upstream or downstream properties. This condition would have to be met before the new lots or development could be approved.

*Background: March 1, 2005 was the date that the Critical Area regulations (including floodplain hazard area regulations) became effective after being substantially modified. The idea behind providing this date in the regulation is that lots created after this date would not be in the floodplain or would otherwise have already addressed the requirements of the floodplain regulations.*