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Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission

June 28, 2022
5:30 PM

Join the Zoom Meeting: <https://zoom.us/j/96527346176>
or call (253) 215-8782
Webinar ID: 965 2734 6176

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

B. CHAIRPERSON'S REPORT

C. PUBLIC COMMENT

D. APPROVAL OF MINUTES

- [May 24, 2022](#): Regular Meeting

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- Upcoming Planning Commission Meeting Topics
- County Council Actions on Planning Commission Recommendations

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. Proposed Code Amendments Relating to Development Application and Permit Expiration Extensions: Briefing

Hilary McGowan, Planner, Hilary.McGowan@snoco.org

The Planning Commission will hold a briefing on the proposed code amendments to SCC Chapters 30.70, 30.86, 30.50, 30.56 relating to development applications and permit expiration extensions. The proposed code would amend permit application expiration terms for Land Disturbing Activity (LDA), Flood Hazard, and Flood Hazard Variance permits, and permit expiration fees to match the proposed permit application expirations. This code amendment



also proposes limited code clean-up associated with permitting fee tables. The proposed code could work to increase the consistency between permit application expiration timelines within Title 30 chapters and make fees and code language for permit application and permit extensions consistent among permit types.

For further information, please review the following:

- [Staff Report dated 6/28/2022](#)

2. Proposed Code Amendments Relating to Flood Hazard Areas Code Correction: Briefing

Hilary McGowan, Planner, Hilary.McGowan@snoco.org

The Planning Commission will hold a briefing on the proposed code amendments to SCC 30.65.220 relating to flood hazard areas code correction. Due to an error in a 2020 Ordinance, code that allowed single-family residences located within floodways to do repairs or improvements that did not increase the ground floor area and were not substantial improvements was stricken. Since this code was removed, residential homeowners are unable to do necessary home repairs and reconstruction when their homes are located within floodways. The proposed code amendment would re-insert the stricken code while maintaining the intent of Ordinance No. 20-029 within Title 30 chapters and complying with the National Flood Insurance Program (NFIP).

For further information, please review the following:

- [Staff Report dated 6/28/2022](#)

H. ADJOURN



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

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WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

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Snohomish County Planning Commissioners:

| | |
|----------------------------------|---------------------------------|
| Merle Ash, District 1 | Tom Campbell, District 4 |
| Mark James, District 1 | Neil Pedersen, District 4 |
| Tom Norcott, District 2 | Rosanna Brown, District 5 |
| Raymond Sheldon, Jr., District 2 | Leah Everett, District 5 |
| Robert Larsen, District 3 | Keri Moore, Executive Appointee |
| Vacant, District 3 | |

Commission Staff (from Planning and Development Services (PDS) Department):

| | |
|------------------------------------|-------------------------------|
| Mike McCrary, Commission Secretary | Megan Moore, Commission Clerk |
|------------------------------------|-------------------------------|

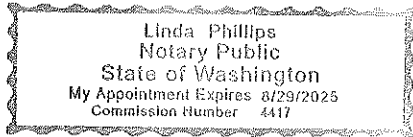
Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH956349 MEETING AGENDA as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 06/18/2022 and ending on 06/18/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$136.62.



Subscribed and sworn before me on this 20th day of June, 2022.

Linda Phillips

Notary Public in and for the State of Washington.
Snohomish County Planning | 14107010
MEGAN MOORE

Snohomish County
Planning Commission
Planning and Development Services
3000 Rockefeller Avenue, MS #604
Everett, WA 98201

Clerk Email: Megan.Moore@snoco.org

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| Vacant, District 3 | Executive Appointee |

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary
Megan Moore, Commission Clerk

Published: June 18, 2022.

EDH956349



Snohomish County

Planning and Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org

MEMORANDUM

TO: Snohomish County Planning Commission

FROM: Hilary McGowan, Planner

SUBJECT: Proposed Code Amendments Relating to
Flood Hazard Areas Code Correction

DATE: May 31, 2022

Dave Somers
County Executive

INTRODUCTION

The purpose of this memo is to provide information on a draft non-project proposal to re-insert code related to flood hazard areas that was stricken in error in 2020 via Ordinance No. 20-029. The stricken code allowed single-family residences located within floodways to do repairs or improvements that did not increase the ground floor area and were not substantial improvements. Since this code was removed, residential homeowners are unable to do necessary home repairs and reconstruction when their homes are located within floodways, which is beyond the intent of the Ordinance No. 20-029. The proposed code amendment would re-insert the stricken code while maintaining the intent of Ordinance No. 20-029 within Title 30 chapters and complying with the National Flood Insurance Program (NFIP).

BACKGROUND

In 2020, Ordinance No. 20-029 adopted flood insurance rate maps and updated special flood hazard regulations in Chapters 30.43C and 30.65 of the Snohomish County Code (SCC). Some of the proposed changes were required for compliance with the NFIP, and others added policies to aid in code clarity. As a part of this ordinance, a general subsection regarding development standards in the floodway was added to SCC 30.65.220, and the provisions related to repair of substantially damaged residences in the floodway was revised within SCC 30.65.220(8). These amendments updated regulations related to the repair or reconstruction of non-farmhouse residences that are substantially damaged during a flood event. The changes were necessary to ensure the County's regulations were consistent with state and federal regulations.

The 2020 changes to SCC 30.65.220 were more specifically a result of the NFIP Flood Damage Prevention Ordinance Washington Model Section 5.4-2 'Residential Construction in Floodways' and RCW 86.16.041. RCW 86.16.041 addresses floodplain management ordinances and amendments for the repair or replacement of existing residential structures (Attachment A). The intent of the NFIP Washington Model 5.4-2 is to prohibit construction or reconstruction of residential structures within designated floodways, except for repairs, reconstruction, or improvements to a residential structure that do not increase the ground floor area. This provision in section 5.4-2 was implemented through the addition of SCC 30.65.220(8), that specifies "Repairs, replacement, or relocation of substantially damaged residences in the floodway, other than farmhouses" can be permitted in floodways when certain criteria are met. SCC 30.65.220(8) includes regulations that specify conditions for repair, replacement, or relocation, but lacks

language that allows for residential improvements for residential structures that are not impacted by flood damage.

This is a problem because as a part of the SCC 30.65.220(8) addition, SCC 30.65.220(9) was removed. Prior to adoption of Ordinance 20-029, the former SCC 30.65.220(9) stated that the following use was allowed in the floodway when permitted by the applicable zone under chapter 30.22 SCC:

“Repair, reconstruction, or improvement of residential structures, where repair, reconstruction, or improvement of a structure does not increase the ground floor area, and is not a substantial improvement.”

The likely justification for the removal was that the newly added SCC 30.65.220(8) covered repair and reconstruction and could replace SCC 30.65.220(9). The intent was not to reduce the ability of homeowners to perform repairs when the damage is not due to floods, although that is the impact. There are currently 6,392 homes within the floodway in Unincorporated Snohomish County that are subject to these codes, and potentially negatively impacted by the 2020 changes. PDS staff have reported that applicants are finding this restriction on doing home repairs, such as replacing a roof, to be an issue that could lead to residential homes being unable to make necessary maintenance and improvement to preserve existing housing.

This proposed code amendment seeks to re-insert the language of SCC 30.65.220(9) that was mistakenly removed in Ordinance No. 20-029. Its removal is currently restricting improvement of homes within the floodway. Re-inserting the code provision would not increase development within the floodway, as the provision only applies to existing residential structures, and residential structures in the floodways are still held to the standards in SCC 30.65.220(8) when substantially damaged. Re-inserting the pre-2020 language of SCC 30.65.220(9) allows for residential structures that are not substantially damaged to once again be maintained in a way that does not increase overall ground floor area and is in line with state regulations.

PROPOSED CODE AMENDMENTS

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES | |
|--|--|
| Proposed Language | Finding |
| <p>SCC 30.65.220 Floodways: permitted uses.</p> <p>The following uses are allowed in the floodway when permitted by the applicable zone under chapter 30.22 SCC, provided the use is in compliance with the applicable general and specific floodproofing standards of SCC 30.65.110 and 30.65.120, and other applicable provisions of this chapter:</p> <ul style="list-style-type: none"> (1) Agriculture; (2) Forestry, including processing of forest products with portable equipment; (3) Preserves and reservations; (4) Park and recreational activities; | <p>This amendment would re-insert the original language of SCC 30.65.220(9), which was removed via Ordinance 20-209. The removal of SCC 30.65.220(9) was an error, as it inadvertently prevents repair and reconstruction of residential structures in the floodway that were not damaged by flood. The intent was for the new language within SCC 30.65.220(8) to replace SCC 30.65.220(9), although this does not cover repairs, reconstruction, or improvement of residential structures in cases</p> |

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| <p>(5) Removal of rock, sand and gravel, when the applicant can provide clear and convincing evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of chapter 30.32C SCC and the county shoreline management program;</p> <p>(6) Utility transmission lines when allowed in underlying zones unless otherwise prohibited by this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway en route to another destination, as opposed to serving customers within a floodway, such transmission lines shall conform to the following:</p> <p>(a) All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;</p> <p>(b) Electric transmission lines shall span the floodway with support towers located in flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive width, support towers shall be located to avoid high flood water velocity and/or depth areas, and shall be adequately floodproofed;</p> <p>(c) Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum established scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. In the event potential channel migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also govern placement. All hydrologic analyses are subject to acceptance by the county, shall assume the conditions of a 100-year frequency flood as verified by the U.S. Army Corps of Engineers, and shall include on-site investigations and consideration of historical meander characteristics in addition to other pertinent facts and data. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the county shoreline management program;</p> | <p>where they were not impacted by substantial flood damage.</p> <p>The proposed re-inserted SCC 30.65.220(9) would allow the over 6,000 homes within the floodway in Unincorporated Snohomish County to allow homeowners to do home repairs. Under current code, homeowners are restricted from doing home repairs. The re-insertion of this language is consistent with state and federal regulations.</p> |
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(d) Buried utility transmission lines transporting non-hazardous materials including water and sewage shall be buried a minimum of four feet below the maximum established scour of the waterway as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. All hydrologic analyses shall conform to requirements in subsection (6)(c) of this section. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the county shoreline management program;

(e) Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features. Burial depth in all agricultural areas requiring or potentially requiring subsurface drainage shall be a minimum of six feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with county soils. Burial depth in all other agricultural and non-agricultural floodway areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage;

(f) All buried utility transmission lines shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;

(g) Above ground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of non-hazardous materials where an existing or new bridge or other structure is available and capable of supporting the line. When located on existing or new bridges or other structures with elevations below the level of the 100-year flood, the transmission line shall be placed on the down-stream side and protected from flood debris. In such instances, site specific conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such above ground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at

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the waterway crossing, burial specifications shall be determined as in subsection (6)(d) of this section;

(h) All floodway crossings by utility transmission lines transporting hazardous materials shall be equipped with valves capable of blocking flow within the pipeline in the event of leakage or rupture. All floodway crossings shall have valves unless otherwise indicated by standard engineering review of the site and type of transmission line as acceptable to the county with locations determined by other provisions of this chapter;

(i) Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in the floodway; and

(j) Where a floodway has not been determined by preliminary Corps of Engineers' investigations or official designation, a floodway shall be defined by qualified engineering work by the applicant on the basis of a verified 100-year flood event.

(7) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170, 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 building site for a replacement farmhouse on the same farm outside the designated floodway;

(c) The farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within 90 days after occupancy of the new farmhouse;

(d) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is one foot higher than the base flood elevation;

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

(f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize

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| <p>infiltration of flood waters into the system and discharge from the system into the flood waters;</p> <p>(g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;</p> <p>(h) The replacement farmhouse shall not exceed the total square footage of encroachment of the structure which it is replacing; and</p> <p>(i) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse.</p> <p>(8) Repairs, replacement, or relocation of substantially damaged residences in the floodway, other than farmhouses, are subject to the following:</p> <p>(a) When residences other than farmhouses are substantially damaged in the floodway, the floodplain administrator may make a written request to the Department of Ecology under RCW 86.16.041(4) to assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the floodplain administrator authority to permit repair, replacement, or relocation of the substantially damaged structure. The property owner shall submit any information necessary to complete the assessment to the county and the Department of Ecology. Without a favorable recommendation from the Department of Ecology for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed under WAC 173-158-076(1).</p> <p>(b) Before the repair, replacement, or relocation is started, all applicable requirements of the National Flood Insurance Program, chapter 86.16 RCW, chapter 30.43C SCC, and this chapter must be satisfied. In addition, the following conditions must be met:</p> <p>(i) There is no potential building location for the replacement residential structure on the same property outside the regulatory floodway;</p> | |
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- (ii) The replacement residential structure is equivalent in use and size to the substantially damaged residential structure;
- (iii) The structure being repaired, replaced, or reconstructed was legally constructed;
- (iv) Repairs, reconstruction, or replacement do not result in an increase of the total square footage of floodway encroachment;
- (v) 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;
- (vi) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system;
- (vii) 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
- (viii) All other utilities and connections to public utilities are elevated a minimum of one foot above the base flood elevation and are designed, constructed, and located to eliminate or minimize flood damage.

(9) Repair, reconstruction, or improvement of residential structures, where repair, reconstruction, or improvement of a structure does not increase the ground floor area, and is not a substantial improvement.

~~(9)~~(10) Water-dependent utilities and other installations which by their very nature must be in the floodway. Examples of such uses are: Dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices. The applicant shall supply convincing evidence that a floodway location is necessary in view of the objectives of the proposal and that the proposal is consistent with other provisions of this chapter and the county shoreline management program. In all instances of locating utilities and

| | |
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| <p>2-6003.pdf other installations in floodway locations, project design must incorporate floodproofing.</p> <p>(10)(11) Dikes, when the applicant can provide clear and convincing evidence that:</p> <ul style="list-style-type: none">(a) Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;(b) Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired; and(c) The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented. <p>(11)(12) Public works, limited to roads and bridges.</p> | |
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ANALYSIS

The following analysis provides a summary of the proposed code amendments compliance with state law, regional, and countywide planning policies, and county comprehensive plan policies.

Compliance with State Law

The Growth Management Act (GMA) contains planning goals, contained in RCW 36.70A.020, which guide the development of local comprehensive plans and development regulations. The following planning goal applies to the proposed code change:

GMA Goal 4 – Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Analysis: The proposed amendments would support the housing goal, as it would allow homeowners to preserve their existing homes through repair and reconstruction. This permitted work would not negatively impact the environment because the home could not be substantially improved or expanded.

Compliance with the Multi-County Planning Policies

The proposed amendments are consistent with the following multicounty planning policy (MPP) from the Puget Sound Regional Council VISION 2050:

MPP-H-3 – Achieve and sustain – through preservation, rehabilitation, and new development – a sufficient supply of housing to meet the needs of low-income, moderate-income, middle-income, and special needs individuals and households that is equitably and rationally distributed throughout the region.

Analysis: The proposed changes would support the preservation and rehabilitation efforts of this housing goal. Existing residential housing in the floodway can be preserved with this code correction allowing for the current applicable housing supply to be maintained in these areas.

MPP-En-5 – Locate development in a manner that minimizes impacts to natural features. Promote the use of innovative environmentally sensitive development practices, including design, materials, construction, and on-going maintenance.

Analysis: The proposed changes would support development that minimizes impacts to natural features through restricting major improvements or ground floor area of on-going housing maintenance.

Compliance with the Countywide Planning Policies

The proposed amendments are consistent with the following countywide planning policy (CPP):

HO-6 The county and cities should implement policies and programs that encourage the rehabilitation and preservation of existing legally established, affordable housing for residents of all income levels, including but not limited to mobile/manufactured housing and single-room occupancy (SRO) housing.

Analysis: The proposed code amendment would encourage the rehabilitation and preservation of existing housing supply in the floodway. Existing housing in the floodway that is deemed affordable would further be preserved.

Compliance with the Snohomish County Comprehensive Plan

The proposed amendments would be consistent with and help implement the Snohomish County Growth Management Act Comprehensive Plan (GMACP) – General Policy Plan (GPP). The following policy applies to the code amendments as proposed in this report.

HO Policies 2.A.2 The county shall continue programs to repair and maintain existing housing in neighborhoods to reduce blight and deterioration and preserve and enhance the housing stock .

Analysis: The proposed changes would allow homeowners to maintain and repair their existing housing in floodways, with restrictions on not impacting the floodway through increased development footprints.

Environmental Review

Staff has completed a SEPA checklist for this proposed code amendment and will be issuing a Determination of Nonsignificance on June 8, 2022. The fourteen-day public comment period will conclude prior to the Planning Commission briefing on June 28, 2022.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted to the Washington State Department of Commerce in 2022.

Staff Recommendation:

Staff recommends approval of the proposed code amendments and findings contained in this staff report.

Index # - File Name:

2.0003.pdf

Action Requested

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the amendments with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: David Killingstad, PDS Manager

Michael Dobesh, PDS Manager

ATTACHMENTS

ATTACHMENT A

Excerpt from: National Flood Insurance Program Flood Damage Prevention Ordinance Washington Model (Revised 12/09/2019)

5.4-2 Residential Construction in Floodways

Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and (ii) 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. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

- 1) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may 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 building site for a replacement farmhouse on the same farm outside the designated floodway;
 - 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 farmhouse it is replacing;
 - e) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety 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 of one foot higher than the BFE;
 - g) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
 - h) 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; and
 - i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

2) Substantially Damaged Residences in Floodway

- a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially

Flood Hazard Improvements

Index # - File Name: 1.0006_WA Model Ordinance 2019_12092019.pdf

damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information DFIRM Index # - File Name: 1.0006_WA Model Ordinance 2019_12092019.pdf necessary to complete the assessment. Without a favorable 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).

- b) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, 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 legally existing residential structure of equivalent use and size.
 - iii) Repairs, 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 BFE.
 - v) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
 - vi) 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.
 - vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

Proposed Code Amendments Relating to Flood Hazard Areas Code Correction

Snohomish County Planning Commission: Briefing

June 28, 2022

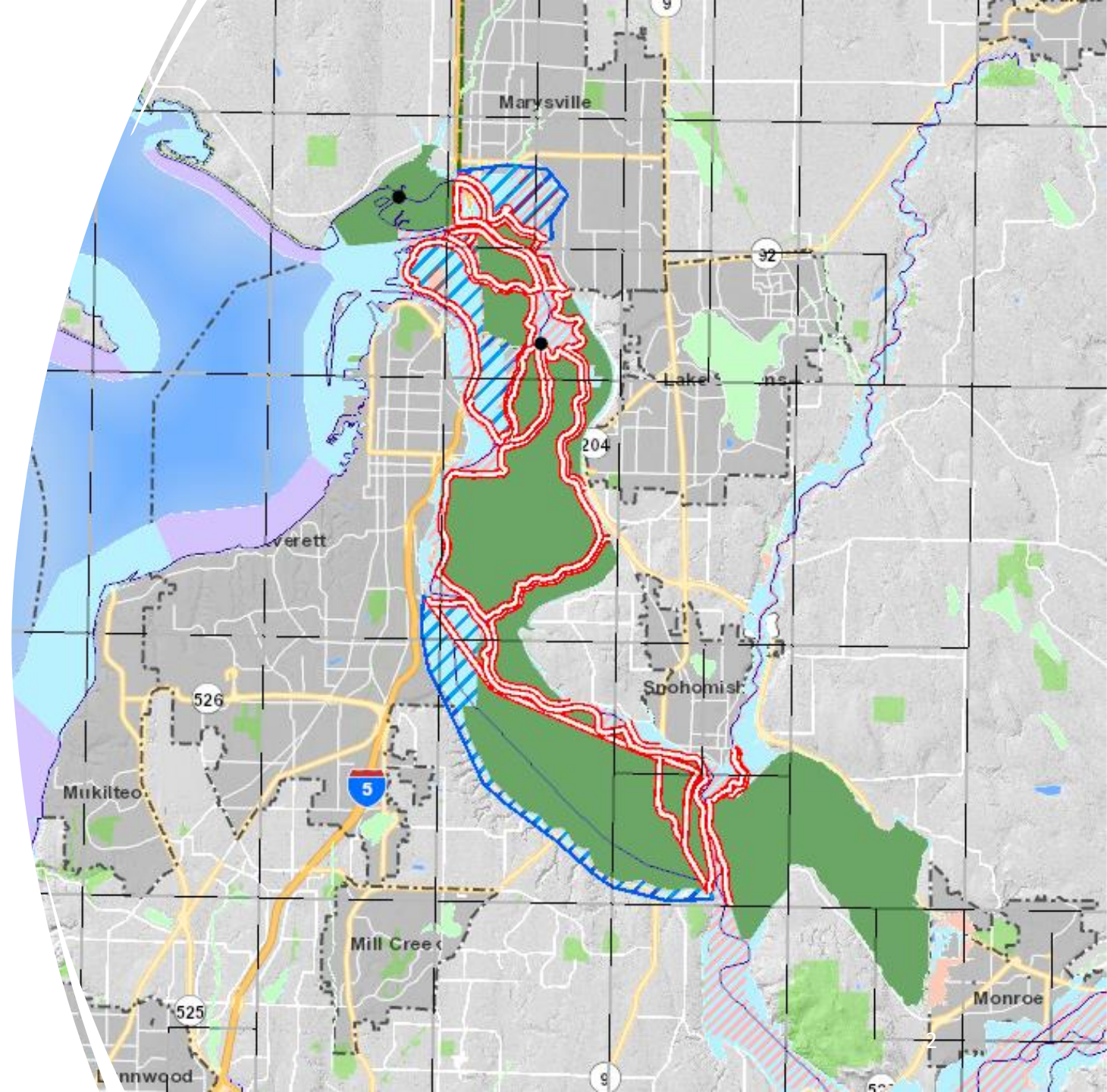
Hilary McGowan, Planner



Snohomish County

Presentation Overview

- Summary of Proposed Changes
- Background of Removed Code
- Why is this an Issue?
- Public Participation



Summary of Proposed Changes

- Re-insert code that was mistakenly removed in 2020 in SCC 30.65.220
- Re-inserted code would allow single-family residences within floodways to do repairs or improvements that do not increase ground floor area and are not substantial improvements

SCC Section Headings

SCC 30.65
Special Flood Hazard
Areas

SCC 30.65.220
Floodways: Permitted
Uses

Background of Removed Code

In 2020, Ordinance No. 20-029 adopted flood insurance rate maps and updated special flood hazard regulations in Chapters 30.43C and 30.65 SCC

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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 20-029

RELATING TO GROWTH MANAGEMENT; ADOPTING THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY WASHINGTON AND INCORPORATED AREAS WITH THE ACCOMPANYING FLOOD INSURANCE RATE MAPS; UPDATING SPECIAL FLOOD HAZARD REGULATIONS; AMENDING CHAPTERS 30.43C AND 30.65 AND SUBTITLE 30.9 OF THE SNOHOMISH COUNTY CODE AS AN EMERGENCY ACTION UNDER SCC 30.73.090

WHEREAS, Snohomish County ("County") participates in the National Flood Insurance Program (NFIP) administered by the federal government through the Department of Homeland Security's Federal Emergency Management Agency (FEMA); and

WHEREAS, the County's participation in the NFIP directly benefits Snohomish County residents by providing an opportunity for owners of property with a high risk of flood damage to purchase affordable flood insurance through the NFIP; and

WHEREAS, as a condition of participation in the NFIP, the County is required to adopt the FEMA prepared and approved Flood Insurance Study (FIS) and associated Flood Insurance Rate Maps (FIRMs), which illustrate flood risk throughout unincorporated Snohomish County; and

WHEREAS, as a requirement of maintaining NFIP eligibility and participation, the County is also required to adopt and maintain floodplain management regulations that meet or exceed NFIP standards and regulations, set forth in the Code of Federal Regulations (CFR) at 44 CFR § 60.3; and

WHEREAS, chapter 30.43C of the Snohomish County Code (SCC or the "Code") provides procedural and permitting requirements for flood hazard permits; and

ORDINANCE NO. 20-029
RELATING TO GROWTH MANAGEMENT; ADOPTING THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY WASHINGTON AND INCORPORATED AREAS WITH THE ACCOMPANYING FLOOD INSURANCE RATE MAPS; UPDATING SPECIAL FLOOD HAZARD REGULATIONS; AMENDING CHAPTERS 30.43C AND 30.65 AND SUBTITLE 30.9 OF THE SNOHOMISH COUNTY CODE AS AN EMERGENCY ACTION UNDER SCC 30.73.090
PAGE 1 OF 44



Snohomish County

Background of Removed Code



NFIP Flood Damage Prevention Ordinance Washington Model Section 5.4-2 'Residential Construction in Floodways'

- Prohibits construction or reconstruction of residential structures within designated floodways, *except* for repairs, reconstruction, or improvements to a residential structure that do not increase the ground floor area

Background of Removed Code

Flood Damage Prevention Model Code 5.4-2 Implementation :

- Added SCC 30.65.220(8) that specifies “Repairs, replacement, or relocation of substantially damaged residences in the floodway, other than farmhouses” can be permitted in floodways when certain criteria are met.
- This includes regulations that specify conditions for repair, replacement, or relocation, *but lacks language that allows for residential improvements for residential structures that are not impacted by flood damage*

Why is This an Issue?

- While adding SCC 30.65.220(8), SCC 30.65.220(9) was removed
- Prior to 2020 Ordinance, former SCC 30.65.220(9) stated:
 - “Repair, reconstruction, or improvement of residential structures, where repair, reconstruction, or improvement of a structure does not increase the ground floor area, and is not a substantial improvement.”

Why is This an Issue?

- The likely reason for the removal was that the new SCC 30.65.220(8) covered repair and reconstruction which closely overlapped with SCC 30.65.220(9)
- SCC 30.65.220(8) specifies residences that have been substantially damaged by floods, rather than residences in floodways that need to do general upkeep
- The intent of the change was not to reduce the ability of homeowners to perform repairs when the damage is not due to floods



Proposed Code Amendment

Re-insert the language of SCC 30.65.220(9):

“Repair, reconstruction, or improvement of residential structures, where repair, reconstruction, or improvement of a structure does not increase the ground floor area, and is not a substantial improvement.”



Proposed Code Amendment

- This would not increase development in the floodway, as the provision only applies to existing residential structures
- Residential structures in floodways are still held to the standards in SCC 30.65.220(8) when substantially damaged
- Compliant with state law, regional, countywide planning policies, and county comprehensive plan policies



Public Engagement

- Outreach to broader public
 - Requested comments from development and environmental organizations
- SEPA determination of non-significance issued June 8, 2022
- Commerce notified on June 8, 2022





Questions?



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR SESSION
JUNE 28, 2022
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:32 p.m.

Of the ten (10) currently appointed commissioners, ten (10) were in attendance (a quorum being six (6) members and a majority being six (6) members):

| Commissioners Present | Commissioners Absent |
|------------------------------|-----------------------------|
| Merle Ash | |
| Rosanna Brown | |
| Tom Campbell | |
| Leah Everett @ 5:35 pm | |
| Mark James | |
| Robert Larsen | |
| Keri Moore | |
| Tom Norcott | |
| Neil Pedersen | |
| Raymond Sheldon | |

David Killingstad, Planning and Development Services Manager served as the Planning Commission Secretary for this meeting.

B. CHAIRPERSON'S REPORT

No report was given.

C. PUBLIC COMMENT

No public comment was given.

D. APPROVAL OF MINUTES

The minutes of [May 24, 2022](#) were unanimously approved.

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)



- [County Council Actions on Planning Commission Recommendations](#)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. Proposed Code Amendments Relating to Development Application and Permit Expiration Extensions: Briefing

Hilary McGowan, Planner, Hilary.McGowan@snoco.org

Planner Hilary McGowan gave a briefing on the proposed code amendments to SCC Chapters 30.70, 30.86, 30.50, 30.56 relating to development applications and permit expiration extensions. The proposed code would amend permit application expiration terms for Land Disturbing Activity (LDA), Flood Hazard, and Flood Hazard Variance permits, and permit expiration fees to match the proposed permit application expirations. The code amendment also proposes limited code clean-up associated with permitting fee tables. Additionally, the proposed code aims to increase the consistency between permit application expiration timelines within Title 30 chapters and make fees and code language for permit application and permit extensions consistent among permit types.

The commissioners asked a variety of questions and discussed several aspects of the proposed code amendments. Several points of clarification on the proposed code amendments were made including application timelines for fully submitted applications, the process for extending permits, application versus approved permit timeline, clarification of permits that need extensions and have mismatched timelines and the need for synchronization, the noticing process for permit expirations, magnitude of impact and how many permits are currently being applied for and how the new fee amount was determined.

For further information, please review the following:

- [Presentation dated 6/28/2022](#)
- [Staff Report dated 6/28/2022](#)

2. Proposed Code Amendments Relating to Flood Hazard Areas Code Correction: Briefing

Hilary McGowan, Planner, Hilary.McGowan@snoco.org

The Planning Commission held a briefing on the proposed code amendments to SCC 30.65.220 relating to flood hazard areas code correction. Due to an error in a 2020 Ordinance, code that allowed single-family residences located within floodways to do repairs or improvements that did not increase the ground floor area and were not substantial improvements was stricken. Since this code was removed, residential homeowners are unable to do necessary home repairs and reconstruction when their homes are located within floodways. The proposed code amendment would re-insert the stricken code while maintaining the intent of Ordinance No. 20-029 within Title 30 chapters and complying with the National Flood Insurance Program (NFIP).



Snohomish County
Planning Commission
Planning and Development Services

Following the presentation, the commissioners asked about floodway and floodplain mapping especially in regard to climate change. The flood rate insurance maps used are updated by FEMA every 25 years.

For further information, please review the following:

- [Presentation dated 6/28/2022](#)
- [Staff Report dated 6/28/2022](#)

H. ADJOURN

The meeting adjourned at 6:19 p.m.



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Megan Moore, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

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Snohomish County Planning Commissioners:

| | |
|----------------------------------|---------------------------------|
| Merle Ash, District 1 | Tom Campbell, District 4 |
| Mark James, District 1 | Neil Pedersen, District 4 |
| Tom Norcott, District 2 | Rosanna Brown, District 5 |
| Raymond Sheldon, Jr., District 2 | Leah Everett, District 5 |
| Robert Larsen, District 3 | Keri Moore, Executive Appointee |
| Vacant, District 3 | |

Commission Staff (from Planning and Development Services (PDS) Department):

| | |
|------------------------------------|-------------------------------|
| Mike McCrary, Commission Secretary | Megan Moore, Commission Clerk |
|------------------------------------|-------------------------------|

EXHIBIT 2.0006

Planning Commission Meeting 06/28/22

Contact Clerk of the Council for recording at 425-388-3494 or

contact.council@snoco.org (Clerk Note: saved in G:\ECAF\Council Approved\2022\22-1149

Ord 22-065\2.0006)



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission

July 26, 2022
5:30 PM

Join the Zoom Meeting: <https://zoom.us/j/96527346176>
or call (253) 215-8782
Webinar ID: 965 2734 6176

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

B. CHAIRPERSON'S REPORT

C. PUBLIC COMMENT

D. APPROVAL OF MINUTES

- [June 28, 2022](#): Regular Meeting

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)
- County Council Actions on Planning Commission Recommendations

F. UNFINISHED BUSINESS

1. Proposed Code Amendments Relating to Development Application and Permit Expiration Extensions: Hearing

Hilary McGowan, Planner, Hilary.McGowan@snoco.org

The Planning Commission will hold a public hearing on the proposed code amendments to SCC Chapters 30.70, 30.86, 30.50, 30.56 relating to development applications and permit expiration extensions. The proposed code would amend permit application expiration terms for Land Disturbing Activity (LDA), Flood Hazard, and Flood Hazard Variance permits, and permit expiration fees to match the proposed permit application expirations. This code amendment also proposes limited code clean-up associated with permitting fee tables. The proposed code could work to increase the consistency between permit application expiration timelines within



Snohomish County
Planning Commission
Planning and Development Services

Title 30 chapters and make fees and code language for permit application and permit extensions consistent among permit types.

For further information, please review the following:

- [Staff Report dated 6/28/2022](#)
- [Presentation dated 6/28/2022](#)

2. Proposed Code Amendments Relating to Flood Hazard Areas Code Correction: Hearing

Hilary McGowan, Planner, Hilary.McGowan@snoco.org

The Planning Commission will hold a public hearing on the proposed code amendments to SCC 30.65.220 relating to flood hazard areas code correction. Due to an error in a 2020 Ordinance, code that allowed single-family residences located within floodways to do repairs or improvements that did not increase the ground floor area and were not substantial improvements was stricken. Since this code was removed, residential homeowners are unable to do necessary home repairs and reconstruction when their homes are located within floodway's. The proposed code amendment would re-insert the stricken code while maintaining the intent of Ordinance No. 20-029 within Title 30 chapters and complying with the National Flood Insurance Program (NFIP).

For further information, please review the following:

- [Staff Report dated 6/28/2022](#)
- [Presentation dated 6/28/2022](#)

G. NEW BUSINESS

1. School District Capital Facilities Plans: Briefing

Eileen Canola, Senior Planner, Eileen.Canola@snoco.org

Planning and Development Services (PDS) coordinates a biennial technical review of school district capital facilities plans (CFPs) for inclusion in the County's school impact fee program. This briefing will highlight key information from the first drafts of [eleven district CFPs](#) submitted for County staff review per section [30.66C.050](#) of the Snohomish County Code (SCC). The briefing will summarize information contained in the CFPs including projected enrollments, capacity issues, and plans for capital improvements with funding proposals including proposed changes to the school impact fee schedule in Chapter 30.66C SCC.

For further information, please review the following:

- [Staff Report dated 7/28/2022](#)
- [Project Webpage including School District CFPs First Drafts](#)

H. ADJOURN



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

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| Robert Larsen, District 3 | Keri Moore, Executive Appointee |
| Christine Eck, District 3 | |

Commission Staff (from Planning and Development Services (PDS) Department):

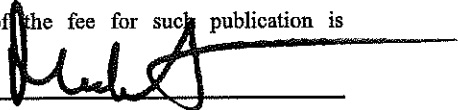
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| Mike McCrary, Commission Secretary | Megan Moore, Commission Clerk |
|------------------------------------|-------------------------------|

Everett Daily Herald

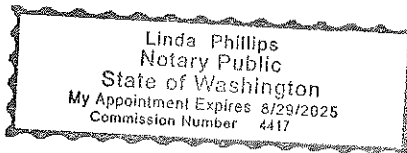
Affidavit of Publication

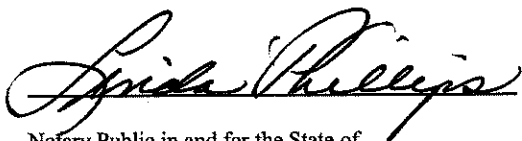
State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH958808 REG. MTG. AGENDA as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 07/16/2022 and ending on 07/16/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$162.40.


Subscribed and sworn before me on this 18th day of July, 2022.





Notary Public in and for the State of Washington.

Classified Proof

Snohomish County
Planning Commission
Planning and Development Services
3000 Rockefeller Avenue, M/S #604
Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission
July 26, 2022
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or call (253) 215-8782
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- A. CALL TO ORDER AND ROLL CALL
- B. CHAIRPERSON'S REPORT
- C. PUBLIC COMMENT
- D. APPROVAL OF MINUTES
- E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS
- F. UNFINISHED BUSINESS

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Hilary McGowan, Planner, Hilary.McGowan@snoco.org
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Eileen Canola, Senior Planner, Eileen.Canola@snoco.org
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Classified Proof

H. ADJOURN

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| Robert Larsen, District 3 | Keri Moore, |
| Christine Eck, District 3 | Executive Appointee |

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary
Megan Moore, Commission Clerk

Published: July 16, 2022.

EDH958808

Proposed Code Amendments Relating to Flood Hazard Areas Code Correction

Snohomish County Planning Commission: Hearing

July 26, 2022

Hilary McGowan, Planner



Summary of Proposed Changes

- Re-insert code that was mistakenly removed in 2020 in SCC 30.65.220
- Re-inserted code would allow single-family residences within floodways to do repairs or improvements that do not increase ground floor area and are not substantial improvements

SCC Section Headings

SCC 30.65
Special Flood Hazard Areas

SCC 30.65.220
Floodways: Permitted Uses

Background of Removed Code



- In 2020, Ordinance No. 20-029 adopted flood insurance rate maps and updated special flood hazard regulations in Chapters 30.43C and 30.65 SCC

NFIP Flood Damage Prevention Ordinance Washington Model

- Prohibits construction or reconstruction of residential structures within designated floodways, *except* for repairs, reconstruction, or improvements to a residential structure that do not increase the ground floor area

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9 SNOHOMISH COUNTY COUNCIL
10 Snohomish County, Washington
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12 ORDINANCE NO. 20-029
13
14 RELATING TO GROWTH MANAGEMENT; ADOPTING THE FLOOD INSURANCE
15 STUDY FOR SNOHOMISH COUNTY WASHINGTON AND INCORPORATED AREAS
16 WITH THE ACCOMPANYING FLOOD INSURANCE RATE MAPS; UPDATING SPECIAL
17 FLOOD HAZARD REGULATIONS; AMENDING CHAPTERS 30.43C AND 30.65 AND
18 SUBTITLE 30.9 OF THE SNOHOMISH COUNTY CODE AS AN EMERGENCY ACTION
19 UNDER SCC 30.73.090
20
21 WHEREAS, Snohomish County ("County") participates in the National Flood Insurance
22 Program (NFIP) administered by the federal government through the Department of Homeland
23 Security's Federal Emergency Management Agency (FEMA); and
24
25 WHEREAS, the County's participation in the NFIP directly benefits Snohomish County
26 residents by providing an opportunity for owners of property with a high risk of flood damage to
27 purchase affordable flood insurance through the NFIP; and
28
29 WHEREAS, as a condition of participation in the NFIP, the County is required to adopt
30 the FEMA prepared and approved Flood Insurance Study (FIS) and associated Flood Insurance
31 Rate Maps (FIRMs), which illustrate flood risk throughout unincorporated Snohomish County;
32 and
33
34 WHEREAS, as a requirement of maintaining NFIP eligibility and participation, the
35 County is also required to adopt and maintain floodplain management regulations that meet or
36 exceed NFIP standards and regulations, set forth in the Code of Federal Regulations (CFR) at 44
37 CFR § 60.3; and
38
39 WHEREAS, chapter 30.43C of the Snohomish County Code (SCC or the "Code")
40 provides procedural and permitting requirements for flood hazard permits; and
41

ORDINANCE NO. 20-029
RELATING TO GROWTH MANAGEMENT; ADOPTING THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY
WASHINGTON AND INCORPORATED AREAS WITH THE ACCOMPANYING FLOOD INSURANCE RATE MAPS; UPDATING
SPECIAL FLOOD HAZARD REGULATIONS; AMENDING CHAPTERS 30.43C AND 30.65 AND SUBTITLE 30.9 OF THE SNOHOMISH
COUNTY CODE AS AN EMERGENCY ACTION UNDER SCC 30.73.090
PAGE 1 OF 44



Background of Removed Code

NFIP Model Code 5.4-2 Implementation :

- Added SCC 30.65.220(8) that specifies “Repairs, replacement, or relocation of substantially damaged residences in the floodway, other than farmhouses” can be permitted in floodways when certain criteria are met.
- This includes regulations that specify conditions for repair, replacement, or relocation, *but lacks language that allows for residential improvements for residential structures that are not impacted by flood damage*



Proposed Code Amendment

Re-insert the language of SCC 30.65.220(9):

“Repair, reconstruction, or improvement of residential structures, where repair, reconstruction, or improvement of a structure does not increase the ground floor area, and is not a substantial improvement.”



Proposed Code Amendment

- This would not increase development in the floodway, as the provision only applies to existing residential structures
- Residential structures in floodways are still held to the standards in SCC 30.65.220(8) when substantially damaged
- Compliant with state law, regional, countywide planning policies, and county comprehensive plan policies



Public Engagement

- No comment from public
- SEPA determination of non-significance issued June 8, 2022
- Commerce notified on June 8, 2022





Questions?



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR SESSION
JULY 26, 2022
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:31 p.m.

Of the eleven (11) currently appointed commissioners, ten (10) were in attendance (a quorum being six (6) members and a majority being six (6) members):

| Commissioners Present | Commissioners Absent |
|------------------------------|-----------------------------|
| Merle Ash | Keri Moore |
| Rosanna Brown | |
| Tom Campbell | |
| Christine Eck | |
| Leah Everett | |
| Mark James | |
| Robert Larsen | |
| Tom Norcott | |
| Neil Pedersen | |
| Raymond Sheldon | |

Mike McCrary, Planning and Development Services Director served as the Planning Commission Secretary for this meeting.

B. CHAIRPERSON'S REPORT

Chair Larson announced that it was Commissioner Tom Norcott's last meeting. Commissioner Norcott has served as the district 2 commissioner since July 2014.

Chair Larson introduced a new commissioner for district 3, Chris Eck. Commissioner Eck has also served as the Planning Commission Chair for the City of Lynwood and works for the Volunteers of America Western Washington.

August 29th is the Boards and Commissions Appreciation Night. Please RSVP to Megan Moore by August 4th if you would like to attend.

C. PUBLIC COMMENT



No public comment was given.

D. APPROVAL OF MINUTES

The minutes of [June 28, 2022](#), was unanimously approved.

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)
- [County Council Actions on Planning Commission Recommendations](#)

Following the status of future items and past recommendations, there was a brief discussion on the content of the Planning Commission Council Action Report and possible updates. This item will be brought to the monthly Planning Commission Agenda Review meeting for further discussion.

F. UNFINISHED BUSINESS

1. Proposed Code Amendments Relating to Development Application and Permit Expiration Extensions: Hearing

Hilary McGowan, Planner, Hilary.McGowan@snoco.org

The Planning Commission held a public hearing on the proposed code amendments to SCC Chapters 30.70, 30.86, 30.50, 30.56 relating to development applications and permit expiration extensions. The proposed code would amend permit application expiration terms for Land Disturbing Activity (LDA), Flood Hazard, and Flood Hazard Variance permits, and permit expiration fees to match the proposed permit application expirations. This code amendment also proposes limited code clean-up associated with permitting fee tables. The proposed code could work to increase the consistency between permit application expiration timelines within Title 30 chapters and make fees and code language for permit application and permit extensions consistent among permit types.

Chair Larsen opened the **Public Hearing at 5:49 p.m.** for the Proposed Code Amendments Relating to Developmental Application and Permit Expiration Extensions.

No written comments were received by the Planning Commission from the public before the public hearing. No one spoke at the public hearing.

The **Public Hearing was closed at 5:49 p.m.**

Following the summary and public hearing, there were no additional questions or discussions from the commissioners.

A **Motion** was made by Commissioner Norcott and seconded by Commissioner Everett recommending **APPROVAL** of the Proposed Code Amendments Relating to Developmental Application and Permit Expiration Extensions as submitted by staff.



VOTE (Motion):

10 in favor (*Ash, Brown, Campbell, Eck, Everett, James, Larsen, Norcott, Pederson, Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Staff Report dated 6/28/2022](#)
- [Presentation dated 6/28/2022](#)

2. Proposed Code Amendments Relating to Flood Hazard Areas Code Correction: Hearing

Hilary McGowan, Planner, Hilary.McGowan@snoco.org

The Planning Commission held a public hearing on the proposed code amendments to SCC 30.65.220 relating to flood hazard areas code correction. Due to an error in a 2020 Ordinance, code that allowed single-family residences located within floodways to do repairs or improvements that did not increase the ground floor area and were not substantial improvements was stricken. Since this code was removed, residential homeowners are unable to do necessary home repairs and reconstruction when their homes are located within floodways. The proposed code amendment would re-insert the stricken code while maintaining the intent of Ordinance No. 20-029 within Title 30 chapters and complying with the National Flood Insurance Program (NFIP).

Following the summary, there were questions from the commissioners about defining substantial development, farmhouse exemptions, allowable improvements, the level of impact due to the oversight in the 2020 ordinance.

Chair Larsen opened the **Public Hearing at 6:03 p.m.** for the Proposed Code Amendments Relating to Flood Hazard Areas Code Correction.

No written comments were received by the Planning Commission from the public before the public hearing. No one spoke at the public hearing.

The **Public Hearing was closed at 6:03 p.m.**

Following the public hearing, there was no additional discussion.

A **Motion** was made by Commissioner Norcott and seconded by Commissioner Campbell recommending **APPROVAL** of the Proposed Code Amendments Relating to Flood Hazard Areas Code Correction as submitted by staff.

VOTE (Motion):

10 in favor (*Ash, Brown, Campbell, Eck, Everett, James, Larsen, Norcott, Pederson, Sheldon*)

0 opposed

0 abstention

Motion PASSED



For further information, please review the following:

- [Staff Report dated 6/28/2022](#)
- [Presentation dated 6/28/2022](#)

G. NEW BUSINESS

1. School District Capital Facilities Plans: Briefing

Eileen Canola, Senior Planner, Eileen.Canola@snoco.org

Senior Planner, Eileen Canola presented the 2022 Biennial Update on the School District Capital Facilities Plans (CFPs) for inclusion in the County's school impact fee program. The briefing gave background on the requirements of a capital facilities plan element by the Growth Management Act (GMA) and the state law authorizing the impact fee program. The presentation discussed the evaluation process and timeline for the draft [eleven district CFPs](#) submitted to county staff for review per section [30.66C.050](#) of the Snohomish County Code (SCC). It also summarized the information contained in the CFPs including projected enrollments, capacity issues, and plans for capital improvements with funding proposals including proposed changes to the school impact fee schedule in Chapter 30.66C SCC.

Following the briefing, commissioners asked questions regarding the staff review process and the technical formula for impact fee calculations, how school districts estimate enrollment projections, school district dwelling unit fees, and if there is a relation to an affordable housing strategy.

For further information, please review the following:

- [Staff Report dated 7/28/2022](#)
- [Project Webpage including School District CFPs First Drafts](#)

H. ADJOURN

The meeting adjourned at 7:02 p.m.



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Megan Moore, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

Snohomish County facilities are accessible. The county strives to provide access and services to all members of the public. Sign language interpreters and communication materials in alternate form will be provided upon request of one calendar week. Contact Angela Anderson at 425-262-2206 Voice, or 425-388-3700 TDD.

Snohomish County Planning Commissioners:

| | |
|---|--|
| <i>Merle Ash, District 1</i> | <i>Tom Campbell, District 4</i> |
| <i>Mark James, District 1</i> | <i>Neil Pedersen, District 4</i> |
| <i>Tom Norcott, District 2</i> | <i>Rosanna Brown, District 5</i> |
| <i>Raymond Sheldon, Jr., District 2</i> | <i>Leah Everett, District 5</i> |
| <i>Robert Larsen, District 3</i> | <i>Keri Moore, Executive Appointee</i> |
| <i>Christine Eck, District 3</i> | |

Commission Staff (from Planning and Development Services (PDS) Department):

| | |
|---|--------------------------------------|
| <i>Mike McCrary, Commission Secretary</i> | <i>Megan Moore, Commission Clerk</i> |
|---|--------------------------------------|

EXHIBIT 2.0011

Planning Commission Meeting 07/26/22

Contact Clerk of the Council for recording at 425-388-3494 or

contact.council@snoco.org (Clerk Note: saved in G:\ECAFI\Council Approved\2022\22-1149

Ord 22-065\2.0011)



SNOHOMISH COUNTY PLANNING COMMISSION

August 10, 2022

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendation on proposed code amendments to
Flood Hazard Areas Code Correction

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend Snohomish County Code (SCC) 30.65.220 relating to flood hazard areas. The Planning Commission had a briefing on this topic on June 28, 2022 and conducted a public hearing on July 26, 2022.

The proposed code amendments would correct an error in a 2020 Ordinance, code that allowed single-family residences located within floodways to do repairs or improvements that did not increase the ground floor area and were not substantial improvements was stricken. Since this code was removed, residential homeowners are unable to do necessary home repairs and reconstruction when their homes are located within floodways. The proposed code amendment would re-insert the stricken code while maintaining the intent of Ordinance No. 20-029 within Title 30 chapters and complying with the National Flood Insurance Program (NFIP).

There were no written comments received by the Planning Commission from the public prior to the July 26th hearing, and no members of the public commented at the public hearing.

PLANNING COMMISSION RECOMMENDATION

At the July 26, 2022 Planning Commission meeting, Commissioner Norcott made a motion, seconded by Commissioner Campbell, recommending APPROVAL of the proposed code amendments relating to Flood Hazard Areas Code Correction as submitted by staff.

Vote (Amendment):

10 in favor (*Ash, Brown, Campbell, Eck, Everett, James, Larsen, Norcott, Pederson, Sheldon*)

0 opposed

0 abstentions

Amendment passed

This recommendation was made following the close of the public hearing and after due consideration of information presented and is based on the findings and conclusions presented in the May 31, 2022 staff report, with which the Commission concurred.

During the deliberations, there were questions from the commissioners about defining substantial development, farmhouse exemptions, allowable improvements, and the level of impact due to the oversight in the 2020 Flood Maps ordinance.

Flood Hazard Improvements

Index # - File Name:

Planning Commission Recommendation Letter
Code Amendments to Chapter 30.65 SCC
August 5, 2022

Respectfully submitted,



[Robert Larsen \(Aug 11, 2022 10:08 PDT\)](#)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services