

Index of Records					
Project Name		Flood Hazard Code			
Part 1 - DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES					
Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
1.0002	Project Administration	3/29/2022	PDS Staff	Request for PA Assistance	
1.0003	Public Outreach	6/6/2022	PDS Staff	Proposed Code Amendments	3
1.0004	SEPA Documents	6/3/2022	PDS Staff	DNS and Environmental Checklist	
1.0005	Staff Research	2022	PDS Staff	Flood Damage Prevention Ordinance	
1.0006	Staff Research	5/6/2022	PDS Staff	Project Scoping Guide	
1.0007	Staff Research	5/6/2022	PDS Staff	Evaluation Sheet	
1.0008	Staff Research	5/6/2022	PDS Staff	FEMA First Review	
1.0009	Staff Research	5/6/2022	PDS Staff	Chapter 86.16 RCW	
1.0010	Staff Research	5/6/2022	PDS Staff	Ordinance 20-029	
1.0011	Staff Research	5/6/2022	PDS Staff	Request for Code Amendment	
1.0012	Staff Research	5/6/2022	PDS Staff	Permit Data in Flood Hazard Zone	
1.0013	SEPA Documents	6/3/2022	PDS Staff	Postcard	



REQUEST FOR PA ASSISTANCE

To	Ashley Lamp, Snohomish County Prosecutor's Office	
From		initials
Originator		initials
Manager		initials
Date		
Subject		

Requested Due Date (Two week min unless rush)		<input type="checkbox"/> Urgent	no later than
Fund Account	<input type="checkbox"/> 002 - CE, Long Range Planning, Fire Investigation <input type="checkbox"/> 193 - Permitting		
Attachments			
CC:			
Related to Past PA Request?	<input type="checkbox"/> yes <input type="checkbox"/> no	If yes, explain:	

Question or request:



Snohomish County
Planning and Development Services

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

DRAFT: 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 and elicit public feedback for a draft non-project proposal to re-insert code related to flood hazard areas that was stricken in error in 2020 via Ordinance 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 20-029. The draft proposed code would re-insert the stricken code while maintaining the intent of Ordinance 20-029 within Title 30 chapters, and complying with the National Flood Insurance Program (NFIP).

PROPOSAL 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

The following discussion provides an overview of the proposed changes to Snohomish County Code.

30.65.220 Floodways: permitted uses.

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:

- (1) Agriculture;
- (2) Forestry, including processing of forest products with portable equipment;
- (3) Preserves and reservations;

(4) Park and recreational activities;

(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;

(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:

(a) All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;

(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;

(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;

(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 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 infiltration of flood waters 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;
 - (h) The replacement farmhouse shall not exceed the total square footage of encroachment of the structure which it is replacing; and
 - (i) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse.
- (8) Repairs, replacement, or relocation of substantially damaged residences in the floodway, other than farmhouses, are subject to the following:
- (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).
 - (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:
 - (i) There is no potential building location for the replacement residential structure on the same property outside the regulatory floodway;
 - (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 other installations in floodway locations, project design must incorporate floodproofing.

~~(10)~~(11) Dikes, when the applicant can provide clear and convincing evidence that:

(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.

~~(11)~~(12) Public works, limited to roads and bridges.

ATTACHMENTS

DRAFT

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 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 26 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.



Snohomish County

Planning and Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
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Dave Somers
County Executive

DETERMINATION OF NONSIGNIFICANCE

Proponent: Snohomish County Department of Planning and Development Services
County Administration Building
3000 Rockefeller Avenue, M/S 604
Everett, WA 98201

Description of Proposal: Proposed ordinance to re-insert code related to flood hazard areas that was stricken in error in 2020 via Ordinance 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 20-029. The draft proposed code would re-insert the stricken code while maintaining the intent of Ordinance 20-029 within Title 30 chapters, and complying with the National Flood Insurance Program (NFIP).

Ordinance is titled:

RELATING TO FLOOD HAZARD AREAS CODE CORRECTION IN TITLE 30 OF THE SNOHOMISH
COUNTY CODE (SCC), AMENDING SCC 30.65.220.

Proposed Amendments

This is a non-project proposal to amend Snohomish County Code (SCC) Title 30 to re-insert code within SCC 30.65.220 that was mistakenly removed in 2020.

More specifically,

- SCC 30.65.220 will be amended to add in former code, SCC 30.65.220(9), that was removed in 2020 via Ordinance 20-029. Current SCC 30.65.220 subsections (9), (10), and (11) would be amended to (10), (11), and (12) to reflect the addition of former SCC 30.65.220(9).

Lead Agency: Snohomish County Department of Planning and Development Services

Threshold Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) **IS**

NOT required under RCW 43.21C.030(2)(c). This decision was made after review by Snohomish County of a completed environmental checklist and other information on file with this agency. This information is available for public review upon request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by June 15, 2022 to the responsible official at the address listed below.

Appeals: This DNS together with the subsequent legislative action by the County Council to amend the County Code may be appealed to the Central Puget Sound Growth Management Hearings Board. **THIS DNS MAY BE APPEALED ONLY WHEN SUCH APPEAL IS COMBINED WITH THE APPEAL OF THE UNDERLYING ACTION PURSUANT TO SCC 30.73.100. THE APPEAL MUST BE FILED WITHIN 60 DAYS OF THE PUBLISHED NOTICE OF ACTION ISSUED SUBSEQUENT TO THE FINAL DECISION BY THE COUNTY.** The Notice of Action describing the final decision by the County to pursue or not pursue the proposed action will be published in the County's paper of record. Any appeal must be filed with the Central Puget Sound Growth Management Hearings Board, at PO Box 40953 Olympia WA 98504-0953 within 60 days following publication in the paper, or as otherwise stated in the Notice of Action or provided by law.

Responsible Official: David Killingstad
Position/Title: Manager, Long Range Planning
Address: 3000 Rockefeller Avenue, M/S #604
Everett, WA 98201-4046

David Killingstad

David Killingstad, Manager

For further information, contact Hilary McGowan, Planning and Development Services, (425) 388-5377 or hilary.mcgowan@snoco.org. Please include your full name and mailing address in any email comments.

Date Issued: June 8, 2022

Date Published: June 8, 2022



Snohomish County
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Dave Somers
County Executive

SNOHOMISH COUNTY ENVIRONMENTAL CHECKLIST

Purpose of Checklist

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information on the impacts from this proposal (and to reduce or avoid impacts if possible) to help the agency decide whether an EIS is required.

A. Background

1. Name of proposed project:

Proposed Code Amendments Relating Flood Hazard Areas Code Correction.

2. Name of applicant:

Snohomish County, Department of Planning and Development Services.

3. Address and phone number of applicant and contact person:

Hilary McGowan, Project Manager
3000 Rockefeller, M/S 604
Everett, WA 98201
Phone: 425-388-5377
Email: Hilary.McGowan@snoco.org

4. Date checklist prepared:

May 26, 2022

5. Agency requesting checklist:

Snohomish County, Department of Planning and Development Services

6. Proposed timing or schedule (including phasing, if applicable):

Planning Commission briefing: June 28, 2022

Planning Commission public hearing: July 26, 2022

County Council public hearing: To be determined

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

This proposal is for a non-project action with no directly related plans for future activities associated with these code amendments.

8. List any environmental information you know about what has been prepared, or will be prepared, directly related to this proposal.

The proposed ordinance is consistent with the policies and goals of the adopted Growth Management Act Comprehensive Plan, which included an EIS that was adopted on June 3, 2015. No additional environmental information or studies have been prepared for the proposed development regulations.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

This is a non-project action which would allow single-family residences to do repairs or improvements that did not increase the ground floor area and were not substantial improvements.

10. List any government approvals or permits that will be needed for your proposal, if known.

No government approvals or permits are required for this proposal. The Snohomish County Planning Commission will make a recommendation to the County Council, who may adopt the amendment as proposed, revise the proposed amendment, or take no action.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

This is a non-project proposal to amend Snohomish County Code (SCC) Title 30 to re-insert code within SCC 30.65.220 that was mistakenly removed in 2020.

More specifically, SCC 30.65.220 will be amended to add in former code, SCC 30.65.220(9), that was removed in 2020 via Ordinance 20-029. Current SCC 30.65.220 subsections (9), (10), and (11) would be amended to (10), (11), and (12) to reflect the addition of former SCC 30.65.220(9).

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This non-project proposal would be in effect throughout the jurisdiction of Snohomish County.

B. Environmental Elements

1. Earth

a. General description of the site:

(Circle one): **Flat, rolling, hilly, steep slopes, mountainous, other** _____

Lands within the jurisdiction of Snohomish County include a variation of terrain such as flat, rolling, hilly, and steep slopes.

b. What is the steepest slope on the site (approximate percent slope)?

Slopes in excess of 100% can be found within the jurisdiction of Snohomish County.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

A range of soil types are found within the jurisdiction of Snohomish County.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Certain areas within Snohomish County have a history of surface instability associated with periods of heavy rainfall. Other areas have a history of more deep-seated instability associated with landslide activity.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

As a non-project action, no filling or grading is proposed. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review of any proposed grading or filling activity.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

As a non-project action, no erosion will occur as a direct result of this proposal. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review of any proposed clearing and construction that might result in erosion.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

As a non-project action, no impervious surface coverage will occur as a result of this proposal.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

As a non-project action, no erosion reduction or control measures are proposed or required. Future site-specific development or land use action not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level SEPA and regulatory review and would require the implementation of applicable County regulations to reduce or control erosion or other impacts to the earth.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

As a non-project action, no emissions to air will occur as a result of this proposal.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

Not applicable.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

As a non-project action, no measures to reduce or control emissions are required or proposed. Future site-specific development or land use action not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level SEPA and regulatory review and would require the implementation of applicable County regulations to reduce or control emissions or other impacts to air, if any.

3. Water

- a. Surface Water:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

There are several streams, seasonal streams, and bodies of water located within Snohomish County.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

As a non-project action, this proposal will not require any work in, or adjacent to, the described waters. Future site-specific development or land use action not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level SEPA and regulatory review and would require the implementation of applicable County regulations to reduce or control activities near surface water bodies, if any.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

As a non-project action, no fill or dredge material will be placed or removed from surface water or wetlands.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

As a non-project action, no surface water withdrawals or diversion will be required.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

Not applicable as this is a non-project action.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

As a non-project action, no discharges of waste materials to surface waters will occur as a result of this proposal.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

As a non-project action, no groundwater will be withdrawn or discharged.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

As a non-project action, no waste material will be discharged from septic tanks or other sources as a result of this proposal. Future development or land use actions not exempted by WAC 197-11-800 or SCC 30.61.035 that would likely result in discharges from stormwater runoff would be subject to project-level SEPA and regulatory review.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

As a non-project action, no runoff will occur as a result of this proposal. Any future site-specific development or land use action proposal would be subject to a separate SEPA and development permit review, which would address runoff management.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.**

As a non-project action, no runoff will occur as a result of this proposal. Any future site-specific development or land use action proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and development permit review, which would address runoff management.

- d. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

As a non-project action, no drainage patterns will be affected as a result of this proposal. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and permit review, which would address drainage.

- e. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

As a non-project action, no measures are proposed or required to reduce impacts to surface or groundwaters. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and permit review.

4. Plants

- a. Check the types of vegetation found on the site:**

☒ deciduous tree: alder, maple, aspen, other
☒ evergreen tree: fir, cedar, pine, other
☒ shrubs
☒ grass
☒ pasture

- ☒ crop or grain
☒ Orchards, vineyards or other permanent crops.
☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☒ water plants: water lily, eelgrass, milfoil, other
☒ other types of vegetation

All types of the above vegetation occur in various locations throughout the county.

b. What kind and amount of vegetation will be removed or altered?

As a non-project action, no vegetation will be removed as a direct result of this proposal. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA evaluation of any proposed vegetation removal or alteration.

c. List threatened and endangered species known to be on or near the site.

U.S Fish and Wildlife Services provides listing for Endangered Species Act (ESA) species under its jurisdiction. National Marine Fisheries Service provides listing for ESA species under its jurisdiction. Washington State Department of Fish and Wildlife provides listing for sensitive species under its jurisdiction. Washington State Department of Natural Resources provides legal listing of sensitive species under its jurisdiction.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

As a non-project action, no measures to preserve or enhance vegetation are required for this proposal. Any future site-specific development or land use action proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and permit review, which would include review of any proposed landscaping or measures to preserve or enhance vegetation on the site.

e. List all noxious weeds and invasive species known to be on or near the site.

All types of noxious weeds and invasive species occur throughout the county.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Birds: hawk, heron, eagle, songbirds, other: _____

Mammals: deer, bear, elk, beaver, other: _____

Fish: bass, salmon, trout, herring, shellfish, other: _____

All of the above animal species may be found in various locations throughout the county.

b. List any threatened and endangered species known to be on or near the site.

U.S Fish and Wildlife Services provides listing for ESA species under its jurisdiction. National Marine Fisheries Service provides listing for ESA species under its jurisdiction. Washington State Department of Fish and Wildlife provides legal listing for sensitive species under its jurisdiction. Washington State Department of Natural Resources provides legal listing of sensitive species under its jurisdiction.

c. Is the site part of a migration route? If so, explain.

Yes. Wildlife species do migrate through the county, but as a non-project action, this proposal will not impact migratory species.

d. Proposed measures to preserve or enhance wildlife, if any:

As a non-project action, no measures to preserve or enhance wildlife are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to preserve or enhance wildlife, if any.

e. List any invasive animal species known to be on or near the site.

All types of invasive animal species that occur throughout the county.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

As a non-project action, energy will not be consumed.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

As a non-project action, there will be no impact on solar energy as a result of this proposal.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

As a non-project action, energy conservation features are not applicable to this project. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control energy impacts, if any.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

As a non-project action, no environmental health hazards will result as a consequence of this proposal.

- 1) Describe any known or possible contamination at the site from present or past uses.**

As a non-project action, this is not applicable. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include identification of known or possible contamination, if any.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

As a non-project action, this is not applicable. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include identification existing hazardous chemicals/conditions, if any.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

As a non-project action, this is not applicable. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include a review of toxic or hazardous chemicals stored, used, or produced during the project's development or construction, or at any time during the operating life of the project, if any.

4) Describe special emergency services that might be required.

As a non-project action, no special emergency services are required by this proposal.

5) Proposed measures to reduce or control environmental health hazards, if any:

As a non-project action, no measures to reduce or control environmental health hazards are required for this proposal. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control environmental health hazards, if any.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

This non-project action will not be affected by noise.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

This non-project action will not generate noise.

3) Proposed measures to reduce or control noise impacts, if any:

As a non-project action, no measures to reduce or control noise impacts are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control noise impacts, if any.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

This is a non-project proposal and a variety of uses exist within the jurisdiction of Snohomish County.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

As a non-project action, no working farmlands or working forests will be converted. There are working farmlands and forest lands within the jurisdiction of Snohomish County.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

As a non-project action, this proposal will not directly affect or be affected by surrounding working farm or forest lands. This proposed non-project action does not change existing regulations or protections relating to working farm or forest lands.

- c. Describe any structures on the site.**

Not applicable to this non-project action.

- d. Will any structures be demolished? If so, what?**

As a non-project action, no structures will be demolished as a result of this proposal.

- e. What is the current zoning classification of the site?**

This is a non-project action that pertains to all zoning classifications within the jurisdiction of Snohomish County.

- f. What is the current comprehensive plan designation of the site?**

This is a non-project action that pertains to all future land use designations within the jurisdiction of Snohomish County.

- g. If applicable, what is the current shoreline master program designation of the site?**

Not applicable to this non-project action.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

Not applicable to this non-project action.

- i. Approximately how many people would reside or work in the completed project?**

As a non-project action, this is not applicable.

- j. Approximately how many people would the completed project displace?**

As a non-project action, this is not applicable.

- k. Proposed measures to avoid or reduce displacement impacts, if any:**

As a non-project action, no measures to avoid or reduce displacement impacts are required by this proposal.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

The proposed code amendments are compatible with the land use plans and regulations.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

As a non-project action, no impacts to agricultural and forest lands of long-term commercial significance would occur as a result of this proposal. This proposed non-project action does not change existing regulations or protections relating to agricultural and forest lands of long-term commercial significance.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

As a non-project action, no housing units would be provided by this proposal.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

As a non-project action, no housing units would be eliminated by this proposal.

c. Proposed measures to reduce or control housing impacts, if any:

As a non-project action, no measures to reduce or control impacts to housing are required or proposed.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

As a non-project action, no structures are proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which will include review of structure height and building materials.

b. What views in the immediate vicinity would be altered or obstructed?

As a non-project action, no views will be altered or obstructed as a result of this proposal. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which will include review of views that may be altered or obstructed.

c. Proposed measures to reduce or control aesthetic impacts, if any:

As a non-project action, no measures to reduce or control aesthetic impacts are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control aesthetic impacts, if any.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

As a non-project action, no light or glare will occur as a result of this proposal.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

As a non-project action, no light or glare that could be a safety hazard or interfere with views will result from this proposal. Any future site-specific development proposals not exempted by WAC 197-11-800 or SCC 30.61.035 will be subject to a separate SEPA and applicable permit reviews, which will include review of light and glare from the development.

c. What existing off-site sources of light or glare may affect your proposal?

Not applicable to this non-project action.

d. Proposed measures to reduce or control light and glare impacts, if any:

As a non-project action, no measures to reduce or control light and glare impacts are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control light and glare impact, if any.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Hunting, fishing, bird watching, and many other recreational opportunities exist.

b. Would the proposed project displace any existing recreational uses? If so, describe.

As a non-project action, no existing recreational uses will be displaced.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

As a non-project action, no measures to reduce or control impacts on recreation are proposed or required. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

Not applicable to this non-project action.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the

site? Please list any professional studies conducted at the site to identify such resources.

Not applicable to this non-project action. Future development proposals may be conditioned or subject to further review on a site-specific basis under Chapter 30.32D SCC – Historic and Archaeological Resources.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Not applicable to this non-project action. Future development proposals may be conditioned or subject to further review on a site-specific basis under Chapter 30.32D SCC – Historic and Archaeological Resources.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

As a non-project action, no measures to reduce or control impacts on recreation are proposed or required. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control impacts on recreation, including recreation opportunities to be provide by the project or applicant, if any.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

Various highways and several state routes and local streets service Snohomish County.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

Various transit services exist in Snohomish County.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

As a non-project action, no parking spaces are proposed or required. Future site-specific

development must meet the minimum parking requirements as mandated by Chapter 30.26 of the Snohomish County Code.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

As a non-project proposal, new transportation improvements are not required or proposed. Future site-specific development will be reviewed for impacts to the roadway system and improvements to existing roadways may be required on a project-by-project basis.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

Not applicable to this non-project action.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

This non-project action will not directly generate any vehicular trips per day. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and permit review, which would include review of traffic issues.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

As a non-project action, the proposal will not interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets. Any future development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and permit review, which will include review of impacts interfering, affecting, or resulting from the movement of agricultural and forest products on roads or streets.

- h. Proposed measures to reduce or control transportation impacts, if any:**

As a non-project action, no measures to reduce or control transportation are proposed or required. Any future site-specific development or land use action not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and concurrency

review, which would include implementation of measures to reduce or control any transportation impacts.

15. Public Services

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

As a non-project action, this proposal will not result in an increased need for public services. Site-specific project actions may affect services such as fire and police. These impacts will be reviewed during the project level permitting of the development.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

As a non-project action, no measures to reduce or control impacts on public services are proposed or required. Any future site-specific development or land use action proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control any impacts on public services.

16. Utilities

- a. **Circle utilities currently available at the site:**

Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

Not applicable to this non-project action.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

As a non-project action, no utilities are proposed or required. Any future site-specific development or land use action proposal would need to provide electricity to serve the proposed development.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Hilary McGowan
Hilary McGowan (Jun 3, 2022 10:58 PDT)

Hilary McGowan, Project Manager
Planner, Planning and Development Services

Date Submitted: May 26, 2022

D. Supplemental sheet for non-project actions

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal will not likely cause any increase in these types of discharges or emissions. As a non-project action, no direct impacts will occur to water or air quality. The proposed code changes will not likely be a direct effect to the production, storage, or release of toxic or hazardous substances; or production of noise.

Proposed measures to avoid or reduce such increases are:

As a non-project action, this proposal is not likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. Future site-specific land activity not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level environmental analysis and threshold determination.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

As a non-project action, the proposal is not likely to impact animals, fish, or marine life. Future development will be subject to the county's critical area regulations under Title 30, which include provisions to protect streams, wetlands, and wildlife.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The County's critical areas regulations regulate development in environmentally sensitive areas. Future site-specific land activity not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level environmental analysis and threshold determinations.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal would not likely deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

As a non-project action, no measures to conserve energy or natural resources are necessary for this proposal. Future site-specific land activity not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project-level environmental analysis and threshold determinations.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed code amendments would not likely affect environmentally sensitive areas as vegetation removal is prohibited in critical areas and critical area buffers. As a non-project action, this proposal is unlikely to directly affect environmentally sensitive areas or areas designated (or eligible or under study) for government protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:

The County's critical areas regulations regulate development in environmentally sensitive areas. Future site-specific land activity not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level environmental analysis and threshold determinations.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is not likely to affect land and shoreline use. The County's Shoreline Management Plan regulates development in the shoreline designations. This proposal does not encourage incompatible land or shoreline uses.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The County's shoreline and land use regulations regulate development within shoreline areas. Future site-specific development proposals in the shoreline environment are subject to County development regulations implementing the Shoreline Management Program, Chapters 30.44 and 30.67 SCC.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

As a non-project action, this proposal is unlikely to directly increase demands on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

As a non-project action, this proposal is unlikely to directly increase demands on transportation or public services and utilities, so measures to reduce impacts are not applicable. Future site-specific development or land use activity not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project-level environmental analysis and threshold determinations.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal does not conflict with any law or requirements to protect the environment.

**NATIONAL FLOOD INSURANCE PROGRAM
FLOOD DAMAGE PREVENTION ORDINANCE
WASHINGTON MODEL (REVISED 12/09/2019)**

Close to 300 towns, cities, counties, and tribes within the State of Washington participate in the National Flood Insurance Program (NFIP). As a condition of participation in the NFIP, communities are required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP; however, there are occasionally additional requirements identified by state law that are more restrictive. In these cases, the Federal Emergency Management Agency (FEMA) will require that communities meet those standards as well.

This model identifies the basic requirements and cross references them to appropriate Code of Federal Regulations (CFR), Revised Code of Washington (RCW), or Washington Administrative Code (WAC) requirements. It also encourages community officials to consider the direct insurance implications of certain building standards that, if adopted, can reduce (or increase) annual flood insurance premiums for local citizens. This ordinance, as developed by FEMA and the Washington Department of Ecology, supersedes previous versions and includes all the minimum standards required as a condition of participation in the NFIP. It will be used by FEMA and state staff as the basis for providing technical assistance and compliance reviews during the Community Assistance Contact (CAC) and Community Assistance Visit (CAV) process to ensure federal and state law are met.

The model identifies the basic minimum federal and state regulation requirements that must be contained in local flood regulations, as well as suggestions for stronger measures, but notes these measures are *recommended*, not required. Additionally, it outlines several specific floodplain development practices and regulations that can reduce insurance premium. Adopting this model flood hazard reduction ordinance verbatim can ensure compliance with FEMA; however, *it should be emphasized that its adoption is not a mandatory requirement per NFIP regulation*. Some sections of this document are included for clarity and are not required by federal or state law. For instance, as indicated in SECTION 1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES, it is not mandatory to adopt this entire section, but by doing so, it will make your community's ordinance more legally enforceable.

Certain commentary is highlighted in the model ordinance. The highlighted commentary does not need to be included in the local ordinances.

Please note: Section 1612.4 of the 2015 International Building Code (IBC) and Section 1612.2 of the 2018 International Building Code incorporate the design and construction standards of ASCE 24 published by the American Society of Civil Engineers. ASCE 24-14 tables 1-1, 2-1, 4-1, and 6-1 contain specific building elevation requirements which

exceed minimum NFIP standards.

Please Note: RCW 86.16.190 requires that:

Local governments that have adopted floodplain management regulations pursuant to this chapter shall include provisions that allow for the establishment of livestock flood sanctuary areas at a convenient location within a farming unit that contains domestic livestock. Local governments may limit the size and configuration of the livestock flood sanctuary areas, but such limitation shall provide adequate space for the expected number of livestock on the farming unit and shall be at an adequate elevation to protect livestock. Modification to floodplain management regulations required pursuant to this section shall be within the minimum federal requirements necessary to maintain coverage under the national flood insurance program.

While state law requires that local governments make provision for critter pads, it is extremely important to note that RCW 86.16.190 does not relax NFIP standards, including the no rise standard in floodways, in any way.

This document may also serve as a foundation upon which communities can craft their own additional measures. The ordinance can be modified to accommodate local standards, provided they are not less restrictive than the minimum standards identified in this model. Areas on the model that exceed those minimum standards are clearly marked. The model ordinance is in a modular format.

Appendix A: Ordinance Standards for Communities with Shallow Flooding Identified as AO zones on Flood Insurance Rate Maps (FIRMs). These standards are mandatory in communities that have mapped AO zones.

Appendix B: Ordinance Standards for Communities with Coastal Flooding Identified as V zones on Flood Insurance Rate Maps (FIRMs). These standards are mandatory in communities that have mapped V or VE zones.

NOTE: A community may wish to use a numbering system that differs from this model ordinance. In such cases, special care should be taken to correctly identify internal code citations within the Flood Damage Prevention Ordinance.

Section 1.0 - Statutory Authorization, Findings of Fact, Purpose, and Objectives *(Not mandatory to adopt section 1.0)*

1.1 Statutory Authorization

The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the **{Decision Making Body}** of **{Community Name}**, does ordain as follows:

1.2 Findings of Fact

The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

1.3 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- 1) Protect human life and health;
- 2) Minimize expenditure of public money for costly flood control projects;
- 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) Minimize prolonged business interruptions;
- 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
- 6) Help maintain a stable tax base by providing for the sound use and development

of flood hazard areas so as to minimize blight areas caused by flooding;

- 7) Notify potential buyers that the property is in a Special Flood Hazard Area;
- 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
- 9) Participate in and maintain eligibility for flood insurance and disaster relief.

1.4 Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;
- 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and
- 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

Section 2.0 – Definitions (44 CFR 59.1, not mandatory to adopt all definitions as shown. However, definitions needed for implementation of NFIP standards in a specific community can be required in the community's Flood Damage Prevention Ordinance.)

Terms with 1 asterisk trigger a specific minimum requirement and must be adopted. Unless specifically defined below, terms or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance the most reasonable application.

***Alteration of watercourse:** Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

***Area of shallow flooding:** 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. Also referred to as the sheet flow area.

***Area of special flood hazard:** The land in the floodplain within a community subject to a 1 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, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

***Base flood:** The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").

***Base Flood Elevation (BFE):** The elevation to which floodwater is anticipated to rise during the base flood.

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

Building: See "Structure."

Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police,

fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

***Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Elevated Building: For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Essential Facility: This term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Farmhouse: A single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

***Flood or Flooding:**

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters.

- b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

***Flood elevation study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

***Flood Insurance Rate Map (FIRM):** The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

***Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

***Floodplain administrator:** The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

***Flood proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

***Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

***Functionally dependent use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

***Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

***Historic structure:** Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

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

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

***Mean Sea Level:** For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map 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.

One-hundred-year flood or 100-year flood: See “Base flood.”

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.

Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

***Recreational Vehicle: A vehicle,**

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and

- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

***Start of construction:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. 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.

***Structure:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

***Substantial Damage:** Damage of any origin sustained by a structure 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:** 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. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct previously identified 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
- 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

***Variance:** A grant of relief by a community from the terms of a floodplain management regulation.

Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Section 3.0 – General Provisions

3.1 Lands to Which This Ordinance Applies (44 CFR 59.22(a))

This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name}.

3.2 Basis for Establishing the Areas of Special Flood Hazard

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for {exact title of study}” dated {date}, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date}, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at {community address}.

The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.

Note: In some communities, the phrase “and any revisions thereto” is not considered legally binding and should not be adopted.

3.3 Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

3.4 Penalties For Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this

ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ or imprisoned for not more than ___ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the _____ from taking such other lawful action as is necessary to prevent or remedy any violation.

3.5 Abrogation and Greater Restrictions

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

3.6 Interpretation (Not mandatory)

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

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes.

3.7 Warning And Disclaimer of Liability (*Not mandatory*)

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

3.8 Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 4.0 – Administration

4.1 Establishment of Development Permit

4.1-1 Development Permit Required (44 CFR 60.3(b)(1))

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

4.1-2 Application for Development Permit

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

- 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
- 2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- 3) Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 5.2-2;
- 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- 5) Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate;
- 6) Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation, and
- 7) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

Note: The format of section 4.1-2 is not mandatory but the elevation information in subsection 1 and the information in subsections 2 through 7 is mandatory. Elevation Certificates are not mandatory outside of Community Rating System communities but highly recommended.

4.2 Designation of the Floodplain Administrator (44 CFR 59.22(b)(1))

The {**job title of the appropriate administrative official**} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

4.3 Duties & Responsibilities of the Floodplain Administrator

Duties of the (*Floodplain Administrator*) shall include, but not be limited to:

4.3-1 Permit Review

Review all development permits to determine that:

- 1) The permit requirements of this ordinance have been satisfied;
- 2) All other required state and federal permits have been obtained;
- 3) The site is reasonably safe from flooding;
- 4) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met;
- 5) Notify FEMA when annexations occur in the Special Flood Hazard Area.

4.3-2 Use of Other Base Flood Data (In A and V Zones) (44 CFR 60.3(b)(4))

When base flood elevation data has not been provided (in A or V zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.

4.3-3 Information to be Obtained and Maintained (*The following language is required and should be adopted verbatim per 44 CFR*)

- 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. (44 CFR 60.3(b)(5)(i) and (iii))
- 2) Obtain and maintain documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones. (44 CFR 60.3(e)(2)(i) and (ii))
- 3) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 4.3-2:
 - a) Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed. (44 CFR 60.3(b)(5)(ii))
 - b) Maintain the floodproofing certifications required in Section 4.1-2(3). (44 CFR 60.3(b)(5)(iii))
- 4) Certification required by Section 5.4.1 {or the numbering system used by the community} (floodway encroachments). (44 CFR 60.3(d)(3))
- 5) Records of all variance actions, including justification for their issuance. (44 CFR 60.6(a)(6))
- 6) Improvement and damage calculations.
- 7) Maintain for public inspection all records pertaining to the provisions of this ordinance. (44 CFR 60.3(b)(5)(iii))

4.3-4 Alteration of Watercourse

Whenever a watercourse is to be altered or relocated:

- 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, (44CFR 60.3(b)(6))
- 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. (44 CFR 60.3(b)(7))

4.3-5 Interpretation of FIRM Boundaries *(This section is not required, but if the Local Administrators are performing this task on a regular basis, it should be adopted.)*

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP (44 CFR 59-76).

4.3-6 Review of Building Permits *(44 CFR 60.3(a)(3))*

Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (Section 4.3-2), applications for floodplain development shall be reviewed to assure that proposed construction will be *reasonably safe from flooding*. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)

4.3-7 Changes to Special Flood Hazard Area

- 1) If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
- 2) If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

Section 5.0 – Provisions for Flood Hazard Reduction

5.1 General Standards *(Section 5.0 is required)*

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

5.1-1 Anchoring *(44 CFR 60.3(a) and (b))*

- 1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. (44 CFR 60.3(a)(3)(i))
- 2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall 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. (44 CFR 60.3(b)(8)). For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."

5.1-2 Construction Materials and Methods *(44 CFR 60.3(a)(3)(ii-iv))*

- 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 Storage of Materials and Equipment

- 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas **(recommended)**.
- 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

5.1-4 Utilities (44 CFR 60.3(a)(5) and (6))

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- 2) Water wells shall be located on high ground that is not in the floodway (WAC 173-160-171);
- 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-5 Subdivision Proposals and Development (44 CFR 60.3(a)(4) and (b)(3))

All subdivisions, as well as new development shall:

- 1) Be consistent with the need to minimize flood damage;
- 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- 3) Have adequate drainage provided to reduce exposure to flood damage.
- 4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.

5.2 Specific Standards (44 CFR 60.3(c)(1))

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:

5.2-1 Residential Construction (44 CFR 60.3(c)(2)(5))

- 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest

floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE.

- 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A.
- 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B.
- 5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:
 - a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b) The bottom of all openings shall be no higher than one foot above grade.
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

5.2-2 Nonresidential Construction (44 CFR 60.3(c)(3) and (4))

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2, below.

- 1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

- a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

- b) If located in an AO zone, the structure shall meet the requirements in Appendix A.
- c) If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- d) If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Appendix B.
- e) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - ii) The bottom of all openings shall be no higher than one foot above grade.
 - iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

- 2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a) Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
 - b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2);
 - d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2-1(5);

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

5.2-3 Manufactured Homes (44 CFR 60.3(c)(6)(12))

- 1) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
(If the above phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.)
This applies to manufactured homes:

- a) Outside of a manufactured home park or subdivision,
 - b) In a new manufactured home park or subdivision,
 - c) In an expansion to an existing manufactured home park or subdivision, or
 - d) In an existing manufactured home park or subdivision on a site which a manufactured home has incurred “substantial damage” as the result of a flood; and
- 2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions be elevated so that either:
- a) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation, or
 - b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5.2-4 Recreational Vehicles (44 CFR 60.3(c)(14))

- 1) Recreational vehicles placed on sites are required to either:
- 2) Be on the site for fewer than 180 consecutive days, or
- 3) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

Meet the requirements of 5.2-3 above.

5.2-5 Enclosed Area Below the Lowest Floor

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

5.2-6 Appurtenant Structures (Detached Garages & Small Storage Structures)

For A Zones (A, AE, A1-30, AH, AO):

- 1) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - a) Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
 - b) The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
 - c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d) Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;
 - e) The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1;
 - f) The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 5.2-1(5).
 - g) The structure shall have low damage potential,
 - h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and
 - i) The structure shall not be used for human habitation.
- 2) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.
- 3) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

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

In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

5.4 Floodways (*Note the more restrictive language for floodway development per RCW 86.16*)

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

5.4-1 No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. (44 CFR 60.3(d)(3))

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) Replacement of Farmhouses in Floodway

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 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

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.

5.4-3 All Other Building Standards Apply in the Floodway

If Section 5.4-1 is satisfied or construction is allowed pursuant to section 5.4-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, Provisions For Flood Hazard Reduction.

5.5 General Requirements for Other Development (Optional Provision)

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any {community name} amendments, shall:

- 1) Be located and constructed to minimize flood damage;
- 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
- 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- 4) Be constructed of flood damage-resistant materials;
- 5) Meet the flood opening requirements of Section 5.2-1(5), and
- 6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

5.6 Critical Facility (Optional Provision)

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.

5.7 Livestock Sanctuaries

Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

Note: To be “elevated sufficiently to protect livestock” typically means to be elevated at least one foot above the BFE.

Section 6.0 - Variances

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the **{governing body}** to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

6.1 Requirements for Variances

- 1) Variances shall only be issued:
 - a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

- c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - d) Upon a showing of good and sufficient cause;
 - e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 {or the numbering system used by the community} of this ordinance in the definition of "Functionally Dependent Use."
- 2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- 3) Generally, variances 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 BFE, provided the procedures of Sections 4.0 and 5.0 {or the numbering system used by the community} of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

6.2 Variance Criteria

In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- 1) The danger that materials may be swept onto other lands to the injury of others;
- 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 time of flood for ordinary and emergency vehicles;
- 10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters 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, water system, and streets and bridges.

6.1 Additional Requirements for the Issuance of a Variance

- 1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - a) The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - b) Such construction below the BFE increases risks to life and property.
- 2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
- 3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.
- 4) Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

**APPENDIX A
STANDARDS FOR SHALLOW FLOODING
AREAS (AO ZONES)
(44 CFR 60.3(c)7, 8 and 11)**

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - b) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(3).
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO zones on the community's FIRM either:
 - a) Be on the site for fewer than 180 consecutive days, or

- b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c) Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2)).

**APPENDIX B
STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)
44 CFR 60.3(e)(2 – 8)**

Located within areas of special flood hazard established in Section 3.2 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:

1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that:
 - a) Elevation:
 - i) Residential Buildings

The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level.
 - ii) Nonresidential buildings

The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; 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 shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a)(i) and (2)(a)(ii).
2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new

and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The (Floodplain Administrator) shall maintain a record of all such information.

3. All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide.
4. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 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 certifies that the design proposed meets the following conditions:
 - a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

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

5. Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM.
6. Prohibit man-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.
7. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:

- a) Outside of a manufactured home park or subdivision,
 - b) In a new manufactured home park or subdivision,
 - c) In an expansion to an existing manufactured home park or subdivision, or
 - d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall meet the standards of paragraphs (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of Section 5.2-3.
8. Recreational vehicles placed on sites within V or VE zones on the community's FIRM shall either:
- a) Be on the site for fewer than 180 consecutive days, or
 - b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - c) Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2)).

~~15631~~ Hazard Improvements

~~Index # - File Name: 1.0006_5A Model Ordinance 2019_12092019.pdf~~

The following topics have been proposed by various parties to be considered for updating Chapters 30.43C and 30.65 Snohomish County Code (SCC). Some of the proposed changes are required for compliance with the National Flood Insurance Program (NFIP), some are policy decisions, and some are proposed to aid code clarity.

* Staff identified high priority for inclusion in Phase 1.

† Consider for inclusion in Phase 1.

#	Topic	Description of proposed change	Why/Proposer
1	Flood Insurance Rate Maps*	Adopt updated Flood Insurance Rate Maps	Letter of Determination issued by FEMA on December 19, 2019. Adoption deadline: June 19, 2020
2	Shallow Flooding*	Add standards for Shallow Flooding Areas (AO Zones) and applicable definitions, e.g. "Area of shallow flooding".	Identified in 10.24.2019 letter from Dept. of Ecology. AO Zones appear on the updated FIRM on the Sultan and Skykomish Rivers.
3	Coastal High Hazard Areas*	Add standards for Coastal High Hazard Areas (V Zones) and applicable definitions, e.g. "Coastal high hazard area".	Identified in 10.24.2019 letter from Dept. of Ecology. VE Zones appear on updated FIRM all along the Puget Sound Coast.
4	Density Fringe – permitted uses†	Expand the permitted uses in the density fringe of the South Snohomish UGA, listed in SCC 30.65.280, to include a list of industrial and commercial uses. Proposed new allowed uses include: amusement; churches; community facilities for juveniles; construction contracting; distillation of alcohol; garage; health and social service facility; livestock auction facility; manufacturing; motor vehicle and equipment sales; recreational facility; restaurant; retail store; storage structure; hotel/motel; warehousing; wholesale establishment; log yard/lumber yard; and sawmill.	March 28, 2017 letter from Molly A. Lawrence, Van Ness Feldman LLP
5	Definition of Development†	Update the definition of "development in the special flood hazard area" to make consistent with NFIP standards.	Identified in 10.24.2019 letter from Dept. of Ecology and PDS staff identified.
6	Density Fringe	Clarify language in SCC 30.65.250 and 30.65.255 regarding "lot coverage" and "obstruction"	PDS staff identified.
7	Density Fringe – fencing	Add fencing requirements for inside the density fringe. FEMA has stated that 3-wire fencing on metal poles that bend with the flow or breakaway fencing would be allowed.	PDS staff identified.
8	Floodproofing – lowest floor elevation	Consider increasing the required elevation of the lowest floor from the existing 1' above base flood elevation (BFE) to 3' above BFE.	PDS staff identified.

DFIRM Hazard Improvements

Index # – File Name: 1.00100-Project Scoping_Topic Overview.pdf

#	Topic	Description of Proposed Change	Why/Proposer
9	Floodproofing requirements	Update language in SCC 30.65.110 Floodproofing: general standards regarding anchoring, siting of utilities, and subdivision and development proposals in the special flood hazard area.	Identified in 10.24.2019 letter from Dept. of Ecology.
10	General development standards	Add a provision that would require an applicant to obtain a LOMA prior to building permit if the existing ground elevation is at or above the BFE.	PDS staff identified.
11	Floodways	Add a new general subsection regarding standards in the floodway and update section 30.65.220 SCC to include provisions for the substantially damaged residences in the floodway.	Identified in 10.24.2019 letter from Dept. of Ecology
12	A Zones	Adopt FEMA guidelines that assign a BFE of 2 feet above the highest adjacent grade for areas in the SFHA that do not have a mapped BFE.	
13	Enforcement	Add a new section: penalties for noncompliance	Identified in 10.24.2019 letter from Dept. of Ecology.
14	Floodplain Administrator†	Add a new section to designate the floodplain administrator, outline the administrator’s responsibilities and duties, and define the term “floodplain administrator”.	Identified in 10.24.2019 letter from Dept. of Ecology.
15	Application for flood hazard permit	Add a new subsection outlining the requirements for application for a flood hazard permit. Other minor changes to special hazard permit requirements could also be included in this section, e.g. allow permit extension consistent with other permit types.	Identified in 10.24.2019 letter from Dept. of Ecology and PDS staff identified.
16	Habitat assessment†	Add a provision to require a habitat assessment when applicable to the proposed development.	PDS staff identified.
17	Flood hazard permitting	Add a permit exemption for the normal maintenance of utilities. (SCC 30.43C.020)	Proposed by the Snohomish County PUD in 11.4.2019 email from Mark Flury to Michael Dobesh.
18	Development in close proximity of SFHA	Consider adding a provision that requires developments in close proximity to the SFHA have an elevation survey completed to ensure development is elevated above BFE. Add a definition for close proximity.	PDS staff identified.
19	Preconstruction meetings	Add a requirement for having a preconstruction meeting prior to beginning development in the SFHA.	PDS staff identified.
20	Definitions†	Update a package of definitions that already exist in code: Flood or flooding; floodplain; floodproofing; floodway; lowest floor; start of construction; structure; and substantial improvement.	Identified in 10.24.2019 letter from Dept. of Ecology.

DFIRM Hazard Improvements

Index # – File Name: 1.00100-Project Scoping_Topic Overview.pdf

#	Topic	Description of Proposed Change	Why/Proposer
21	Definitions†	<p>Add other definitions that are not directly applicable to another major change mentioned on this document:</p> <p>(a) alteration of watercourse; area of special flood hazard; base flood elevation; breakaway wall; flood elevation study; functionally dependent use; highest adjacent grade; historic structure; mean sea level; and reasonably safe from flooding.</p> <p>(b) Agricultural building; best available information; ground flood area; maintenance.</p>	<p>(a) Identified in 10.24.2019 letter from Dept. of Ecology.</p> <p>(b) PDS staff identified.</p>
22	Other Minor	Other minor changes have been identified by staff the Department of Ecology and others.	Various

Evaluation Sheet

Locality: Unincorporated Snohomish County

Reviewer's Name: Roxanne Reale-Pilkenton

Review Date: 26 March 2020

Reason for Review: New Maps

Criteria & Model Ordinance Reference	Markups & Federal Regulation Reference
Section 1.0 - Statutory Authorization, Findings of Fact, Purpose, and Objectives	<i>(Not mandatory to adopt section 1.0)</i>
<p>1.1 Statutory Authorization</p> <p>The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the {Decision Making Body} of {Community Name}, does ordain as follows:</p>	<p>Not included in ordinance, while not mandatory FEMA does recommend adding to ordinance.</p>
<p>1.2 Findings of Fact</p> <p>The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.</p> <p>These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadvertently anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.</p>	<p>Not included in ordinance, while not mandatory FEMA does recommend adding to ordinance.</p>

Language in red requires attention.

Language in green found compliant with Unincorporated Snohomish County code.

When FEMA requests language verbatim please note that the community should substitute their own code citations instead of using CFR or Washington Model Ordinance references as found in this document. (Please note this also applies to language that speaks to Appendix A and B.)

Some text has been highlighted for emphasis.

<p>File Name: 1.0012_Ordinance_WA_SnohomishCty_SnohomishCty_FEMA1stReview.pdf</p> <p>Statement of Purpose</p> <p>It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:</p> <ol style="list-style-type: none"> 1) Protect human life and health; 2) Minimize expenditure of public money for costly flood control projects; 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; 4) Minimize prolonged business interruptions; 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas; 6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; 7) Notify potential buyers that the property is in a Special Flood Hazard Area; 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and 9) Participate in and maintain eligibility for flood insurance and disaster relief. 	<p>SCC 30.65.010 & 30.65.020 in part, while not mandatory FEMA does recommend adding to ordinance.</p>
<p>1.4 Methods of Reducing Flood Losses</p> <p>In order to accomplish its purposes, this ordinance includes methods and provisions for:</p> <ol style="list-style-type: none"> 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities, 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction; 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters; 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas. 	<p>Not included in ordinance, while not mandatory FEMA does recommend adding to ordinance.</p>

Language in red requires attention.

Language in green found compliant with Unincorporated Snohomish County code.

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<p>Section 2.0 – Definitions</p>	<p>44 CFR 59.1 (Not mandatory to adopt all definitions as shown) * Terms with one asterisk trigger a specific minimum requirement and must be adopted.</p>
<p>*Alteration of watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.</p> <p>Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.</p> <p>*Area of shallow flooding: 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. Also referred to as the sheet flow area.</p> <p>*Area of special flood hazard: The land in the floodplain within a community subject to a 1 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, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".</p> <p>ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.</p> <p>*Base flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").</p> <p>*Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.</p> <p>*Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.</p> <p>Building: See "Structure."</p> <p>Building Code: The currently effective versions of the International Building Code and the</p>	<p>Add definition of 'Alteration of watercourse', verbatim to SCC 30.91A.</p> <p>Add definition of 'Area of shallow flooding', verbatim (excluding zones that are not found on SnoCo FIRMs) to SCC 30.91A.</p> <p>Add definition of 'Area of special flood hazard', verbatim (excluding zones that are not found on SnoCo FIRMs) to SCC 30.91A.</p> <p>Base Flood - 30.91B.020</p> <p>Add definition of 'Base Flood Elevation (BFE)', verbatim to SCC 30.91B.</p> <p>SCC 30.91B.035</p> <p>Use 'Structure' for floodplain management purposes and make it clear that the definition used for 'Building' is not for floodplain management purposes.</p>

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Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

***Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Elevated Building: For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Essential Facility: This term has the same meaning as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of

Add definition of 'Breakaway wall', verbatim to SCC 30.91B.

Add definition of 'Coastal High Hazard Area', verbatim to SCC 30.91C.

Critical Facility - SCC 30.91C.360

Development - SCC 30.91D.250 has some higher regulatory standards but is missing 'storage of equipment or materials'. This needs to be added to SCC 30.91D.250.

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350 Hazardous materials, site grading or the pouring
 of concrete. **File Number:** 100120701116 before the effective
 date of the floodplain management regulations
 adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Farmhouse: A single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

***Flood or Flooding:**

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters.
 - b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

***Flood elevation study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

***Flood Insurance Rate Map (FIRM):** The official map of a community, on which the Federal

Use definition of 'Farmhouse', verbatim regarding SCC 30.91F.130 for floodplain purposes only. Another way to address is to state that the existing definition is for non-floodplain areas only.

Use definition of 'Flood or Flooding', verbatim regarding SCC 30.91F.360.

Use definition of 'Flood elevation study', verbatim regarding SCC 30.91F and remove SCC 30.91F.400.

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<p>Public Hazard Administrator has delineated both the applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).</p> <p>*Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."</p> <p>*Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.</p> <p>Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.</p> <p>*Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.</p> <p>*Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."</p> <p>*Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.</p> <p>*Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.</p> <p>*Historic structure: Any structure that is:</p>	<p>Use definition of 'Flood Insurance Rate Map (FIRM)' verbatim to SCC 30.91F.390.</p> <p>Use this definition, verbatim regarding SCC 30.91F and remove SCC 30.91F.415.</p> <p>Add definition of 'Floodplain administrator', verbatim to SCC 30.91F.</p> <p>Use definition of 'Flood proofing', verbatim regarding SCC 30.91F.420.</p> <p>Use definition of 'Floodway', verbatim regarding SCC 30.91F.430.</p> <p>Add definition of 'Functionally dependent use', verbatim to SCC 30.91F.</p> <p>Add definition of 'Highest adjacent grade', verbatim to SCC 30.91H.</p> <p>Add definition of 'Historic structure', verbatim to SCC 30.91H.</p>
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<p> Publicized improvements the National Register of Historic Places (as maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; </p> <p> 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; </p> <p> 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or </p> <p> 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: </p> <p> a) By an approved state program as determined by the Secretary of the Interior, or </p> <p> b) Directly by the Secretary of the Interior in states without approved programs. </p> <p> *Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings). </p> <p> Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." </p> <p> Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. </p> <p> *Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced. </p>	<p> Index # - File Name 00150 Original Maintained by the Snohomish Cty_Snohomish Cty_FEMA1stReview.pdf </p> <p> Use definition of 'Lowest Floor', verbatim regarding SCC 30.91L.220. </p> <p> Add definition of 'Mean Sea Level', verbatim to SCC 30.91M. </p>
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<p>Flood Hazard Improvements Index * New Construction 00120 this purpose of Snohomish City determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map 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.</p> <p>New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.</p> <p>One-hundred-year flood or 100-year flood: See "Base flood."</p> <p>Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.</p> <p>*Recreational Vehicle: A vehicle,</p> <ol style="list-style-type: none"> 1) Built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projection; 3) Designed to be self-propelled or permanently towable by a light duty truck; and 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. <p>*Start of construction: 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 from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site,</p>	<p>Use the highlighted portion of 'New construction' definition, verbatim regarding SCC 30.91N.040.</p> <p>While not mandatory per the Washington State Model Ordinance, FEMA recommends placing this definition in SCC 30.91R.</p> <p>Recreational Vehicle - SCC 30.91R.040</p> <p>Use definition of 'Start of construction', verbatim regarding SCC 30.91S.570.</p>
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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.

***Structure:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

***Substantial Damage:** Damage of any origin sustained by a structure 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:** 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. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct previously identified 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
- 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

***Variance:** A grant of relief by a community from the terms of a floodplain management regulation.

Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood

Use definition of 'Structure', verbatim regarding SCC 30.91S.670.

Substantial Damage - SCC 30.91S.745

Use definition of 'Substantial improvement', verbatim regarding SCC 30.91S.750.

Add definition of 'Variance', verbatim to SCC 30.91V for floodplain management purposes.

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<p>Public Hazard Study of floods of various magnitudes in the File Name: 10010_Township_of_Cosmopolis riverine areas.</p> <p>Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.</p>	<p>Index of File Names: 10010_Township_of_Cosmopolis</p> <p>SnohomishCty_SnohomishCty_FEMA1stReview.pdf</p>
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Section 3.0 – General Provisions	
<p>3.1 Lands to Which This Ordinance Applies (44 CFR 59.22(a))</p> <p>This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name}.</p>	<p>(44 CFR 59.22(a))</p> <p>SCC 30.65.010 – Add this to current SCC provision.</p>
<p>3.2 Basis for Establishing the Areas of Special Flood Hazard</p> <p>The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for {exact title of study}” dated {date}, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date}, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at {community address}.</p> <p>The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.</p>	<p>Mandatory (44 CFR 60.3 (preamble) and 44 CFR 60.2(h)). <i>*In some communities, the phrase “and any revisions thereto” is not considered legally binding and should not be adopted.</i></p> <p>SCC 30.65.040 – See markups on accompanying ordinance.</p>
<p>3.3 Compliance</p> <p>All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.</p>	<p>Mandatory (44 CFR 60.2(h))</p> <p>This provision must be added to SCC 30.65.</p>
<p>3.4 Penalties For Noncompliance</p> <p>No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in</p>	<p>Mandatory (44 CFR 60.2(h))</p> <p>This provision must be added to SCC 30.65.</p>

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<p>3.4 Hazard Improvements</p> <p>Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ or imprisoned for not more than ____ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the _____ from taking such other lawful action as is necessary to prevent or remedy any violation.</p>	<p>File Name: AnyOrd30.65-1116-1116_SnohomishCty_SnohomishCty_FEMA1stReview.pdf</p>
<p>3.5 Abrogation and Greater Restrictions</p> <p>This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.</p>	<p>This provision must be added to SCC 30.65.</p>
<p>3.6 Interpretation</p> <p>In the interpretation and application of this ordinance, all provisions shall be:</p> <ol style="list-style-type: none"> 1) Considered as minimum requirements; 2) Liberally construed in favor of the governing body; and, 3) Deemed neither to limit nor repeal any other powers granted under state statutes. 	<p><i>Recommended (Not mandatory)</i></p> <p>Not included in ordinance, while not mandatory FEMA does recommend adding to ordinance.</p>
<p>3.7 Warning and Disclaimer of Liability</p> <p>The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of {Community Name}, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.</p>	<p><i>Recommended (Not mandatory)</i></p> <p>SCC 30.43C.040 – While 3.7 is not mandatory regarding using the exact language, FEMA recommends expanding the provided language to further explain liability.</p>
<p>3.8 Severability</p> <p>This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts</p>	<p><i>Mandatory (44 CFR 60.1(b)) The severability cause may be included in the adopting ordinance and left uncodified.</i></p> <p>This provision must be added to SCC 30.65, or evidence if it is included in adopting ordinance.</p>

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<p> Public Hearing and ordinance or invalid, such decision shall be void. Index of File Name Ordinance Snohomish Cty_SnohomishCty_FEMA1stReview.pdf or any portion thereof other than the Section so declared to be unconstitutional or invalid. </p>	
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Section 4.0 – Administration	
<p>4.1 Establishment of Development Permit</p> <p>4.1-1 Development Permit Required</p> <p>A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”</p>	<p><i>Mandatory (44 CFR 60.3(b)(1))</i></p> <p>SCC 30.43C.020 – Please see markups on accompanying ordinance.</p>
<p>4.1-2 Application for Development Permit</p> <p>Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:</p> <ol style="list-style-type: none"> 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator. 2) Elevation in relation to mean sea level to which any structure has been flood proofed; 3) Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5.2-2; 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; 5) Where a structure is proposed in a V,V1-30, or VE zone, a V-zone design certificate; 6) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and 7) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application. 	<p><i>Note: The format of Section 4.1-2 is not mandatory but the elevation information in subsection 1 and information in subsections 2 through 7 is mandatory. Elevation Certificates are not mandatory outside of Community Rating System communities but highly recommended.</i></p> <p>SCC 30.43C.030</p>

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Index # - File Name: 1.0012_Ordinance_WA_SnohomishCty_SnohomishCty_FEMA1stReview.pdf	
4.2 Designation of the Floodplain Administrator The {job title of the appropriate administrative official} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.	Mandatory (44 CFR 59.22(b)(1)) This provision must be added to SCC 30.43C or 30.65.
4.3 Duties & Responsibilities of the Floodplain Administrator Duties of the (Floodplain Administrator) shall include, but not be limited to:	Mandatory, (44 CFR 60.1 (b)) This provision must be added to SCC 30.43C or 30.65.
4.3-1 Permit Review Review all development permits to determine that: 1) The permit requirements of this ordinance have been satisfied; 2) All other required state and federal permits have been obtained; 3) The site is reasonably safe from flooding; 4) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met. 5) Notify FEMA when annexations occur in the Special Flood Hazard Area.	Mandatory, (44 CFR 60.1 (b)) SCC 30.43C.100 – Add all the provisions of 4.3-1 to SCC 30.43C.100.
4.3-2 Use of Other Base Flood Data (In A and V Zones) When base flood elevation data has not been provided (in A or V zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.	Mandatory (44 CFR 60.3(b)(4)) SCC 30.65.100(1)
4.3-3 Information to be Obtained and Maintained 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure	Required, verbatim (44 CFR 60.3 (b)(5)) (44 CFR 60.3(b)(5)(i) and (iii)) (44 CFR 60.3(e)(2)) (44 CFR 60.3(b)(5)(i) and (iii)) (44 CFR 60.3(b)(5)(ii)) (44 CFR 60.3(b)(5)(iii)) (44 CFR 60.3(d)(3)) (44 CFR 60.6(a)(6)) (44 CFR 60.3(b)(5)(iii))

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<p>4.3-3 Flood Hazard Improvements. Index 2 - The National Flood Insurance Program (NFIP) requires that the lowest horizontal structural member in V or VE zones.</p> <p>3) For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 4.3-2:</p> <ol style="list-style-type: none"> Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed. Maintain the flood proofing certifications required in Section 4.1-2(3). <p>4) Certification required by Section 5.4.1 {or the numbering system used by the community} (floodway encroachments).</p> <p>5) Records of all variance actions, including justification for their issuance.</p> <p>6) Improvement and damage calculations.</p> <p>7) Maintain for public inspection all records pertaining to the provisions of this ordinance.</p>	<p>This ordinance FEMA Review must be added to SCC 30.43C or 30.65.</p>
<p>4.3-4 Notification to Other Entities</p> <p>Whenever a watercourse is to be altered or relocated:</p> <ol style="list-style-type: none"> 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. 	<p><i>Mandatory</i> (44CFR 60.3(b)(6)) (44CFR 60.3(b)(7))</p> <p>SCC 30.65.110(4) – See markups on accompanying ordinance.</p>
<p>4.3-5 Interpretation of FIRM Boundaries</p> <p>Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.</p>	<p><i>(This section is not required, but if the Local Administrators are performing this task on a regular basis, it should be adopted.)</i> (44 CFR 59-76)</p> <p>If the FPA is performing this duty on a regular basis FEMA recommends adding this provision to SCC 30.65.</p>
<p>4.3-6 Review of Building Permits</p> <p>Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (Section 4.3-2), applications for floodplain development shall be reviewed to</p>	<p><i>Mandatory</i> (44 CFR 60.3(a)(3))</p> <p>SCC 30.65.100(2)</p>

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<p>reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.</p> <p>(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)</p>	
<p>4.3-7 Changes to Special Flood Hazard Area</p> <p>1) If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.</p> <p>2) If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.</p>	<p><i>Recommended. However, be aware that 44 CFR 65.3 requires communities to submit new technical information regarding changes affecting flooding conditions. Section 4.3-7 gives a community the authority to require necessary information from project proponents.</i></p> <p>FEMA requires that the provisions of 44 CFR 65.3 are placed in SCC 30.43C or 30.65.</p>

<p>Section 5.0 – Provisions for Flood Hazard Reduction</p>	<p>(Section 5.0 is required)</p>
<p>5.1 General Standards</p> <p>In all areas of special flood hazards, the following standards are required:</p>	<p>30.65.110 – See markups on accompanying ordinance.</p>
<p>5.1-1 Anchoring</p> <p>1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.</p> <p>2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall 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.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(a)(b))</i> <i>(44 CFR 60.3(a)(3)(i))</i> <i>(44 CFR 60.3(b)(8))</i></p> <p><i>For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."</i></p> <p>30.65.110 – See markups on accompanying ordinance. Question to as if 30.54A standards work with floodplain development regulations so suggest using Model Ordinance language.</p>

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Index # - File Name: 1.0012 Ordinance_WA_SnohomishCty_SnohomishCty_FEMA1stReview.pdf	
5.1-2 Construction Materials and Methods 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. 3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.	<p style="text-align: center;"><i>Mandatory</i> (44 CFR 60.3(a)(3)(ii-iv))</p> <p>30.65.110 – See markups on accompanying ordinance.</p>
5.1-3 Storage of Materials and Equipment 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas. 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.	<p style="text-align: center;"><i>(recommended)</i></p> <p>FEMA recommends placing this language in SCC 30.65.</p>
5.1-4 Utilities 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; 2) Water wells shall be located on high ground that is not in the floodway;* 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.	<p style="text-align: center;"><i>Mandatory</i> (44 CFR 60.3(a)(5)(6)) WAC 173-160-171 prohibits new water wells in floodways.</p> <p>30.65.110(2) – See markups on accompanying ordinance.</p>
5.1-5 Subdivision Proposals and Development All subdivisions, as well as new development shall: 1) Be consistent with the need to minimize flood damage; 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;	<p style="text-align: center;"><i>Mandatory</i> (44 CFR 60.3(a)(4) and (b)(3))</p> <p>30.65.110(2) – See markups on accompanying ordinance.</p>

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<p>4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.</p>	
<p>5.2 Specific Standards</p> <p>In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(1))</i> <i>(Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow below-grade crawlspace construction for buildings located in the special flood hazard areas. However, the standards in 11-01 must be specifically adopted, and adopting them can result in a 20% increase in flood insurance premiums.)</i> SCC 30.65.120</p>
<p>5.2-1 Residential Construction</p> <ol style="list-style-type: none"> 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE. 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A. 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade. 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B. 5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria: <ol style="list-style-type: none"> a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. b) The bottom of all openings shall be no higher than one foot above grade. 	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(2) and (5))</i> <i>(44 CFR 60.3(c)(7))</i> <i>(44 CFR 60.3(b)(2))</i> <i>(44 CFR 60.3(e))</i> <i>(44 CFR 60.3(c)(5))</i> SCC 30.65.120 - See markups on accompanying ordinance.</p>

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<p>Index # - File Names, 100125 Ordinance Covering Flood Hazard Openings</p> <p>Openings must be equipped with screens, devices provided that they permit the automatic entry and exit of floodwater.</p> <p>d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.</p> <p>Alternatively, a registered engineer or architect may design and certify engineered openings.</p>	<p>SnohomishCty_SnohomishCty_FEMA1stReview.pdf</p>
<p>5.2-2 Nonresidential Construction</p> <p>New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2, below.</p> <p>1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:</p> <p>a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.</p> <p>b) If located in an AO zone, the structure shall meet the requirements in Appendix A.</p> <p>c) If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.</p> <p>d) If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Appendix B.</p> <p>e) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:</p> <p>i) Have a minimum of two openings with a total net area of not less than one square</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(3) and (4))</i></p> <p>SCC 30.65.120 - See markups on accompanying ordinance.</p>

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<p> Hazard Improvements square foot of enclosed space below the base flood level. </p> <ul style="list-style-type: none"> ii) The bottom of all openings shall be no higher than one foot above grade. iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater. iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters. <p>Alternatively, a registered engineer or architect may design and certify engineered openings.</p> <p>2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:</p> <ul style="list-style-type: none"> a) Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater; b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2); d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 5.2-1(2); <p>(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)</p>	
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<p>Index # - File Name: 1.0012_Ordinance_WA_SnohomishCty_SnohomishCty_FEMA1stReview.pdf</p>	
<p>5.2-3 Manufactured Homes</p> <p>1) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement*. This applies to manufactured homes:</p> <ul style="list-style-type: none"> a) Outside of a manufactured home park or subdivision, b) In a new manufactured home park or subdivision, c) In an expansion to an existing manufactured home park or subdivision, or d) In an existing manufactured home park or subdivision on a site which a manufactured home has incurred "substantial damage" as the result of a flood; and <p>2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions be elevated so that either:</p> <ul style="list-style-type: none"> a) The lowest floor of the manufactured home is elevated one foot or more* b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. 	<p style="text-align: center;"><i>Mandatory</i> (44 CFR 60.3(c)(6)(12))</p> <p>(* If this phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.)</p> <p>SCC 30.65.120 - See markups on accompanying ordinance.</p>
<p>5.2-4 Recreational Vehicles</p> <p>Recreational vehicles placed on sites are required to either:</p> <ul style="list-style-type: none"> 1) Be on the site for fewer than 180 days, or 2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or 3) Meet the requirements of 5.2-3, above. 	<p style="text-align: center;"><i>Mandatory</i> (44 CFR 60.3(c)(14))</p> <p>SCC 30.65.120 - See markups on accompanying ordinance.</p>

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<p>5.2-5 Fully Enclosed Area Below the Lowest Floor</p> <p>Index # - File Name: 1.0012_Ordinance_WA_SnohomishCty_SnohomishCty_FEMA1stReview.pdf</p> <p>If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.</p>	<p>(44 CFR 60.3(c)(5))</p> <p>Ensure that this provision is in SCC 30.65.</p>
<p>5.2-6 Appurtenant Structures (Detached Garages & Small Storage Structures)</p> <p>For A Zones (A, AE, A1-30, AH, AO):</p> <ol style="list-style-type: none"> 1) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements: <ol style="list-style-type: none"> a) Use of the appurtenant structure must be limited to parking of vehicles or limited storage; b) The portions of the appurtenant structure located below the BFE must be built using flood resistant materials; c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement; d) Any machinery or equipment servicing the appurtenant structure must be elevated or flood proofed to or above the BFE; e) The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1; f) The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5). g) The structure shall have low damage potential, and h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use. i) The structure shall not be used for human habitation. 2) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1. 3) Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification. 	<p><i>Recommended</i></p> <p>FEMA recommends that this language is used instead of what is used at SCC 30.65.120(2)(c), which per the new agricultural and accessory building guidance cannot be used.</p>
<p>5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways</p>	<p><i>Mandatory</i> (44 CFR 60.3(c)(10))</p>

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<p>Flood Hazard with Defense (when a regulatory floodway substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.</p>	<p>SCC 30.65.100(3) - See markups on Snohomish City FEMA Review.pdf</p>
<p>5.4 Floodways</p> <p>Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:</p>	<p><i>(Note the more restrictive language for floodway development per RCW 86.16)</i></p> <p>This provision must be included in SCC 30.65.</p>
<p>5.4-1 No Rise Standard</p> <p>Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.</p>	<p><i>(44 CFR 60.3(d)(3))</i></p> <p>SCC 30.65.230(b) - See markups on accompanying ordinance.</p>
<p>5.4-2 Residential Construction in Floodways</p> <p>Construction or reconstruction of residential structures is prohibited within designated floodways*, except for (i) repairs, reconstruction, or improvements to a structure which 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 which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.</p> <p>1) Replacement of Farmhouses in Floodway</p>	<p><i>Mandatory (RCW 86.16.041) However, subsections 1 and 2 can be eliminated at local option.</i></p> <p>SCC 30.65.220(8)(9) – SCC needs to ensure that ALL of the provisions of the RCW are clear in the SCC.</p> <p>1) SCC 30.65.220(7)</p>

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<p>Index # - 1002 File Name - 1002_Xisting farm house Subordinat Cty - SnohomishCty_FEMA1stReview.pdf</p> <p>Repairs, reconstruction, replacement, or relocation of a farmhouse 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:</p> <ol style="list-style-type: none"> 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 floodwaters into the system; h) 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 i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage. <p>2) Substantially Damaged Residences in Floodway</p> <ol style="list-style-type: none"> 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 	<p>1a) SCC 30.65.220(7)(a) 1b) SCC 30.65.220(7)(b) 1c) This provision needs to be added to SCC 30.65.220. 1d) SCC 30.65.220(7)(h) 1e) SCC 30.65.220(7)(c) 1f) SCC 30.65.220(7)(d) 1g) SCC 30.65.220(7)(e) 1h) SCC 30.65.220(7)(f) 1i) SCC 30.65.220(7)(i)</p> <p>SCC 30.65.220(8)(9) – The language in SCC needs to be replaced with 5.4-2 2) model ordinance provision.</p>
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<p> 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: <ul style="list-style-type: none"> 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 floodwater into the system. vi) 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. vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage. </p>	<p> Mandatory (44 CFR 60.3(d)(1-4)) </p>
<p> 5.4-3 All Other Building Standards Apply in the Floodway </p> <p> If Section 5.4-1 is satisfied or construction is allowed pursuant to Section 5.4-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction </p>	<p> Mandatory (44 CFR 60.3(d)(1-4)) </p>

Language in red requires attention.

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<p>5.5 General Requirements for Other Development</p> <p>All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any {community name} amendments, shall:</p> <ol style="list-style-type: none"> 1) Be located and constructed to minimize flood damage; 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway; 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; 4) Be constructed of flood damage-resistant materials; 5) Meet the flood opening requirements of Section 5.2-1(5), and 6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations. 	<p>(Optional Provision)</p> <p>FEMA recommends adding this provision to SCC.</p>
<p>5.6 Critical Facility</p> <p>Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.</p>	<p>(Optional Provision)</p> <p>SCC 30.65.120(6) – FEMA recommends adding more of the language that is found in 5.6.</p>

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<p>Index # - File Name: 1.0012_Ordinance_WA_SnohomishCity_</p> <p>Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.</p> <p>Note: To be “elevated sufficiently to protect livestock” typically means to be elevated at least one foot above the BFE.</p>	<p>Required by RCW 86.16.190. This section should be included by all counties. A city that does not allow livestock can forgo this section. While state law requires that local governments make provision for critter pads, it is extremely important to note that RCW 86.16.190 does not relax NFIP standards, including the no rise standard in floodways, in any way.</p>
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Section 6.0 - Variances	
<p>The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.</p> <p>It is the duty of the {governing body} to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.</p>	<p><i>Recommended</i></p>
<p>6.1 Requirements for Variances</p> <p>1) Variances shall only be issued:</p>	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p>

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<p>5.6.1 Hazard Improvements Upon a determination that the granting of a variance will result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;</p> <ul style="list-style-type: none"> b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; d) Upon a showing of good and sufficient cause; e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant; f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 {for the numbering system used by the community} of this ordinance in the definition of "Functionally Dependent Use." <p>2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.</p> <p>3) Generally, variances 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 BFE, provided the procedures of Sections 4.0 and 5.0 {for the numbering system used by the community} of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.</p>	<p>FEMA was unable to find variance language in SCC 30.43 or SCC 30.65. Please note that without variance provisions that meet the standards found in 44 CFR 60.6, SCC does not have the ability to offer a variance. Please know that this recommends a higher standard and FEMA supports this higher standard.</p>
<p>6.2 Variance Criteria</p> <ul style="list-style-type: none"> 1) In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and: <ul style="list-style-type: none"> a) The danger that materials may be swept onto other lands to the injury of others; b) The danger to life and property due to flooding or erosion damage; 	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p> <p>FEMA was unable to find variance language in SCC 30.43 or SCC 30.65. Please note that without variance provisions that meet the standards found in 44 CFR 60.6, SCC does not have the ability to offer a variance. Please know that this recommends a higher standard and FEMA supports this higher standard.</p>

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<p>6.2.3.1 The importance of the proposed facility and its damage on the individual owner;</p> <p>d) The importance of the services provided by the proposed facility to the community;</p> <p>e) The necessity to the facility of a waterfront location, where applicable;</p> <p>f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;</p> <p>g) The compatibility of the proposed use with existing and anticipated development;</p> <p>h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;</p> <p>i) The safety of access to the property in time of flood for ordinary and emergency vehicles;</p> <p>j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,</p> <p>k) 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, water system, and streets and bridges.</p>	<p>File Name: 10022015 and New SnohomishCty_SnohomishCty_FEMA1stReview.pdf</p>
<p>6.3 Additional Requirements for the Issuance of a Variance</p> <p>1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:</p> <p>a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and</p> <p>b. Such construction below the BFE increases risks to life and property.</p> <p>2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.</p> <p>3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.</p> <p>Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.</p>	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p> <p>FEMA was unable to find variance language in SCC 30.43 or SCC 30.65. Please note that without variance provisions that meet the standards found in 44 CFR 60.6, SCC does not have the ability to offer a variance. Please know that this recommends a higher standard and FEMA supports this higher standard.</p>

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APPENDIX A - STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)	(44 CFR 60.3(c)7, 8 and 11)
<p>Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:</p> <ol style="list-style-type: none"> 1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified). 2. New construction and substantial improvements of nonresidential structures within AO zones shall either: <ol style="list-style-type: none"> a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(3). 3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. 4. Recreational vehicles placed on sites within AO zones on the community's FIRM either: <ol style="list-style-type: none"> a. Be on the site for fewer than 180 consecutive days, or b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick 	<p>(Optional Provision) 44 CFR 60.3(c)(7) 44 CFR 60.3(c)(8) 44 CFR 60.3(c)(8)(ii) 44 CFR 60.3(c)(11)</p> <p>These provisions need to be added to SCC 30.65 due to mapped AO zones.</p>

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APPENDIX B – STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)	44 CFR 60.3(e)(2 – 8)
<p>Located within areas of special flood hazard established in Section 3.2 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:</p> <ol style="list-style-type: none"> 1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that: <ol style="list-style-type: none"> a) Elevation: <ol style="list-style-type: none"> i) Residential Buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level. ii) Nonresidential buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; 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 shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). <p>A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with</p>	<p>(Optional Provision) 44 CFR 60.3(e)(4) 44 CFR 60.3(e)(4)(i) 44 CFR 60.3(e)(4)(ii) 44CFR 60.3(e)(2) 44 CFR 60.3(e)(3) 44 CFR 60.3(e)(5) 44 CFR 60.3(e)(5)(i) 44 CFR 60.3(e)(6) 44 CFR 60.3(e)(7) 44 CFR 60.3(e)(8)(i-iv) 44 CFR 60.3(e)(9)(i-iii)</p> <p>These provisions need to be added to SCC 30.65 due to mapped coastal zones.</p>

Some text has been highlighted for emphasis.

Index # -	<p>Public Hazard prepared standards of practice for meeting the minimum requirements of 9009 Sections 5 (1)(a)(W) and (2)(a)(i)(h) of the Snohomish County Comprehensive Ordinance No. 220001</p>	<p>Cty_SnohomishCty_FEMA1stReview.pdf</p>
	<p>2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The (Floodplain Administrator) shall maintain a record of all such information.</p> <p>3. All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide.</p> <p>4. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 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 certifies that the design proposed meets the following conditions:</p> <ul style="list-style-type: none"> a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). <p>If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.</p>	

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Chapter 30.65

SPECIAL FLOOD HAZARD AREAS

Sections:

30.65.005	<i>Repealed.</i>
30.65.010	Purpose and applicability.
30.65.020	Intent.
30.65.030	National Flood Insurance Program.
30.65.040	Special flood hazard areas established.
30.65.050	Identification on official zoning maps.
30.65.100	Floodproofing: use of available data.
30.65.110	Floodproofing: general standards.
30.65.120	Floodproofing: specific standards.
30.65.125	General requirements for all crawlspace construction.
30.65.130	Elevation and floodproofing certification.
30.65.140	Certification form.
30.65.150	Information to be obtained.
30.65.160	Certification responsibility.
30.65.200	Floodway fringe areas: permitted uses.
30.65.210	Floodway fringe areas: prohibited uses.
30.65.220	Floodways: permitted uses.
30.65.230	Floodways: prohibited uses.
30.65.240	Density fringe area.
30.65.250	Density fringe area: maximum allowable density.
30.65.255	Density fringe area: maximum allowable obstruction.
30.65.260	Density fringe area: exceptions to maximum allowable density and obstruction limitations.
30.65.265	Density fringe area: recording required when density and obstruction allowances are increased.
30.65.270	Density fringe area: general provisions.
30.65.280	Density fringe area: permitted uses.
30.65.285	Density fringe area: prohibited uses.
30.65.300	Continuation of nonconforming uses and structures.
30.65.310	Nonconforming uses.

- 30.65.320** **Discontinuance.**
- 30.65.330** **Restoration.**
- 30.65.340** **Nonconforming structures.**

30.65.005 SR 530 flood impact area.

(Added by Amended Ord. 14-046, June 25, 2014, Eff date July 7, 2014; Amended by Amended Emerg. Ord. 14-104, Dec. 17, 2014, Eff date Dec. 27, 2014; Amended by Ord. 15-043, June 24, 2015, Eff date June 27, 2015; Repealed by Ord. 15-043, June 24, 2015, Eff date Dec. 27, 2015).

* **Code reviser's note:** Amended Emergency Ordinance [14-046](#) added this section as SCC [30.65.050](#). It was editorially renumbered to avoid duplication of numbering.

30.65.010 Purpose and applicability.

The purpose of this chapter is to protect the public health, safety and welfare in those areas subject to periodic inundation due to flooding, and to minimize losses due to flood conditions in the specific areas subject to this chapter by utilizing the methods and provisions set forth herein. The regulations set forth herein shall apply to all development in special flood hazard areas as defined in this title within the jurisdiction of the county. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.020 Intent.

This chapter restricts uses and regulates structures to those that are consistent with the degree of flood hazard. The intent of this chapter is:

- (1) To minimize loss of life and property by restricting uses and regulating development in special flood hazard areas;
- (2) To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of the flood plain;
- (3) To meet the minimum requirement of the national flood insurance program; and

(4) To implement state and federal flood protection programs. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.030 National Flood Insurance Program.

This chapter incorporates the minimum flood plain management standards and regulations of the National Flood Insurance Program (NFIP). The enactment of this chapter is a necessary prerequisite for the county's continued eligibility in the NFIP. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.040 Special flood hazard areas established.

The special flood hazard areas ~~identified~~ designated by the ~~F~~ederal Insurance Administrator emergency management agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for unincorporated Snohomish County", dated ~~June 19, 2020~~ September 16, 2005, and ~~any revisions thereto~~, with ~~accompanying~~ the Flood Insurance Rate Maps (FIRMS)* ~~dated June 19, 2020, and any revision thereto~~, are hereby adopted by reference and declared to be a part of this ordinance. ~~The FIS and FIRM are on file at (insert address).~~

~~The best available information for flood hazard area identification as outlined in Section (place appropriate section) shall be the basis for regulation until a new FIRM is sued that incorporates data utilized under Section (place appropriate section).~~ ~~for Snohomish County, Washington and~~ incorporated areas revised September 16, 2005, ~~or as amended*~~ and issued by FEMA on paper or digital format, together with the corresponding U.S. army corps of engineers river study maps, are adopted herein by reference and declared to be a part of this chapter and are hereby established as special flood hazard areas for the purposes of this chapter.

* **Code Reviser Note:** The text shown above in 30.65.040 in italic font was added by Amended Ord. 05-068 but was not indicated with addition marks.

(Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005).

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30.65.050 Identification on official zoning maps.

In order to assist the public in identifying those properties within special flood hazard areas, the geographic extent of the areas shall generally be depicted upon the county's official zoning maps. Said depiction shall be provided for informational purposes only. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005).

30.65.100 Floodproofing: use of available data.

(1) In all special flood hazard areas where base flood elevation data has been provided in accordance with SCC [30.65.040](#), or where the county can reasonably utilize base flood elevation data available from federal, state or other sources, the specific flood hazard protection standards of SCC [30.65.120](#) and SCC [30.65.230](#) shall be required.

(2) In all special flood hazard areas where base flood elevation data has not been provided, the County shall review all development proposals in accordance with SCC [30.65.110](#) general standards and SCC [30.65.120](#) specific standards and shall require compliance with the standards of said sections as necessary to assure that development will be reasonably safe from flooding. The test of reasonableness shall include use of historic data, high water marks, photographs of past flooding, etc., where available.

(3) ~~In areas with base flood elevations (when a regulatory floodway for a stream has not been designated, no the county may require that applicants for new construction and substantial improvements, or other development (including fill) shall be permitting within zone AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3(b)(3) and (4) and (C)(10) of the National Flood Insurance Program regulations. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 07-005, Feb. 21, 2007, Eff date Mar. 4, 2007).~~

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30.65.110 Floodproofing: general standards.

The following regulations are required ~~shall apply~~ in all special flood hazard areas.

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(1) Anchoring ~~and construction techniques~~.

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(a) All new construction and substantial improvements including those related to manufactured homes shall be:

(i) anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy;

~~(ii) constructed using materials and utility equipment resistant to flood damage; and~~

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~~(iii) constructed using methods and practices that minimize flood damage.~~

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(b) All manufactured ~~mobile~~ homes shall be anchored to resist flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage.

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Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. ~~Minimum anchoring requirements shall be those established by chapter 30.54A SCC.~~

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(2) Construction Materials and Methods

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

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

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

~~(3) Utilities.~~

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

(b) Water wells shall be located on high ground that is not in the floodway.

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

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

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(3) *Subdivision proposals.* All subdivision, ~~as well as well as new development~~ short subdivision, binding site plan, planned residential development, or rural cluster subdivision proposals shall:

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- (a) Be consistent with the need to minimize flood damage;
- (b) Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage ~~or eliminate flood damage;~~
- (c) Have adequate drainage provided to reduce exposure to flood damage; and

(d) ~~Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application. Include base flood elevation data.~~

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(4) *Watercourse alterations.* ~~Whenever a watercourse is to be altered or relocated:~~

~~(a) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and~~

~~(b) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.~~

~~The flood carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities and the State Department of Ecology, and submit evidence of such notification to FEMA of the proposed development.~~
(Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

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30.65.120 Floodproofing: specific standards.

In all special flood hazard areas where base elevation data has been provided as set forth in SCC [30.65.100](#), the following regulations shall apply, in addition to the general regulations of SCC [30.65.110](#):

(1) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are permanently affixed to a structure and which may be subject to floodwater damage shall be elevated a minimum of one foot above the base flood elevation or higher (unless within an approved watertight structure).

(2) Residential construction.

(a) ~~In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new~~ New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. ~~Mechanical equipment and utilities shall be waterproof or elevated at least one foot above the BFE, except as provided in subsection (c) for residential accessory structures.~~

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(b) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in (place citation regarding Appendix A).

(c) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

(d) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in (place citation regarding Appendix B).

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

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

(ii) the bottom of all openings shall be no higher than one foot above the interior and exterior lowest grades;

(iii) openings may be equipped with screens, louvers, or other coverings or devices only if they permit the automatic entry and exit of floodwaters.

(iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

~~(c) New construction and substantial improvement of a residential accessory structure, including but not limited to storage buildings, detached garages, sheds, and small pole buildings, together with attendant utility and sanitary facilities may as an alternative to the provisions of SCC 30.65.120(1) and (2), be wet floodproofed in accordance with the following:~~

~~(i) The structure must have a low potential for structural flood damage and shall not exceed a maximum assessed value for the cost of construction of \$25,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees;~~

~~(ii) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;~~

~~(iii) Not be used for human habitation;~~

~~(iv) Include adequate hydrostatic flood openings;~~

~~(v) Use flood resistant materials below the base flood elevation;~~

~~(vi) Must offer minimum resistance to the flow of floodwater (must not be in the floodway);~~

~~(vii) Must be anchored to prevent flotation, collapse or lateral movement; and~~

~~(viii) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevation.~~

~~(d) Wet floodproofing will trigger higher flood insurance premiums.~~

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(3) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection a or b below. ~~either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:~~

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(a) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

(i) In AE zones or other A zoned areas where the BFE has been determined or can be reasonably obtained: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.

(ii) If located in an AO zone, the structure shall meet the requirements in (place citation regarding Appendix A).

(iii) If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

(iv) If located in a V, or VE zone, the structure shall meet the requirements in (place citation in regarding Appendix B).

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

(a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

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

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

(d) A garage attached to a residential structure, construed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

Be floodproofed so that any portion of a structure below a minimum of one foot elevation above base flood level is watertight with walls substantially impermeable to the passage of water;

(b) If the requirements of subsection a are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

(i) Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section (place applicable SCC citation here).

(iv) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in (place applicable SCC citation here).

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Must also comply with SCC [30.65.120\(2\)\(b\)](#).

(4) Agricultural construction. New construction and substantial improvement of any agricultural structure except farmhouses and farmhouse mobile homes which are regulated by SCC [30.65.120\(2\)](#) above shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; and meet the floodproofing requirements of SCC [30.65.120\(3\)](#). In the

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alternative, new construction and substantial improvement of any agricultural structure shall, together with attendant utility and sanitary facilities:

(a) Have a low potential for structural flood damage; and shall not exceed a maximum assessed value for the cost of construction of \$65,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees; and

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(b) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;

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(c) Not be used for human habitation;

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(d) Include adequate hydrostatic flood openings;

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(e) Use flood resistant materials below the base flood elevations;

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(f) Must offer minimum resistance to the flow of floodwater (i.e. must not be in the floodway);

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(g) Must be anchored to prevent flotation, collapse or lateral movement;

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(h) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevations; and

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(i) Be subject to higher flood insurance premiums associated with wet floodproofing;

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(5) **Manufactured** Mobile homes.

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(a) All manufactured homes to be placed or substantially improved on sites. Installation of mobile homes and substantial improvements to mobile homes shall be elevated on a permanent foundation and shall be securely anchored to an adequately anchored foundation system in accordance with SCC [30.65.110\(1\)\(b\)](#) to resist flotation, collapse and lateral movement, and shall have the lowest floor elevated a minimum of one foot above the base flood elevation. *

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(6) Critical facilities as defined in SCC [30.91C.360](#) shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

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(7) Recreational vehicles, when otherwise permitted by county code, shall

Commented [RRP9]: FEMA recommends adding some of the provisions from the Washington Model Ordinance 5.6 to this section.

- (a) Be on the site for fewer than 180 consecutive days; and
- (b) Be fully licensed and ready for highway use, on ~~its wheels or jacking system~~, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; and
- (c) Be limited in the floodways to day use only (dawn to dusk) during the flood season (October 1 through March 30) with the following exceptions:
- (i) Recreational vehicle use associated with a legally occupied dwelling to accommodate overnight guests for no more than a 21-day period;
 - (ii) Temporary overnight use by farm workers on the farm where they are employed subject to SCC [30.22.130\(19\)\(a\)](#) and [\(b\)](#) above; and
 - (iii) Subject to SCC [30.22.120\(7\)\(a\)](#) and (b), temporary overnight use in a mobile home park which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the Department of Emergency Management and Department of Planning and Development Services.

(8) When fill is permitted to be used as an elevation/floodproofing technique, it shall be designed and installed so that it is properly compacted, sloped and armored to resist potential flood velocities, scouring and erosion during flooding.

(9) Flood hazard permits issued for wet floodproofing ~~of any structure~~ or for elevated structures having enclosures below the elevated structure that are wet floodproofed shall be subject to a standard permit condition prohibiting human habitation. The conditions shall be recorded on title on a form approved by the department.

* **Code Reviser Note:** Amended Ordinance No. [07-005](#) deleted 30.65.120(5)(b) in its entirety but failed to show the following text of SCC 30.65.120(5)(b)(iii) as stricken: "(A) lots large enough to permit steps, (B) piling foundations placed in stable soil no more than 10 feet apart, and (C) reinforcement provided for pilings extending more than six feet above the ground level". This material has been omitted pursuant to SCC [1.02.020\(2\)\(g\)](#).

(Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005; Amended by Amended Ord. 07-005, Feb. 21, 2007, Eff date Mar. 4, 2007).

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30.65.125 General requirements for all crawlspace construction.

(1) Crawlspace may be used to elevate a building in a special flood hazard area to or above the base flood elevation if the space is designed to meet the following National Flood Insurance Program requirements, which apply to all crawlspaces that have enclosed areas or floors below the base flood elevation:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings discussed in SCC [30.65.125\(b\)](#) below. Because of hydrodynamic loads, crawlspace construction is not recommended with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.

(b) The crawlspace is an enclosed area below the base flood elevation and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the lowest adjacent interior and exterior grade. Crawlspace construction is not permitted in FEMA coastal high hazard area designated V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones.

(c) Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevations. The recommended construction practice is to elevate the bottom of joists and all insulation above base flood elevation. Insulation is not a flood-resistant material. When insulation becomes saturated with floodwater, the additional weight often pulls it away from the joists and flooring. Ductwork or other utility systems located below the insulation may also pull away from their supports.

(d) Any building utility systems including ductwork within the crawlspace must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork must either be placed one foot above the base flood elevation or sealed from floodwaters. (Added by Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005; Amended by Amended Ord. 07-005, Feb. 21, 2007, Eff date Mar. 4, 2007).

Commented [RRP12]: Please know that this represents a higher standard than the NFIP and Washington State Model Ordinance.

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30.65.130 Elevation and floodproofing certification.

Certification shall be provided to verify that the minimum floodproofing and elevation standards of SCC [30.65.110](#) and [30.65.120](#) flood hazard protection standards have been satisfied. Certification shall be required only for the new construction or substantial improvement of any residential, commercial, industrial or non-residential structure located in a special flood hazard area, except that agricultural structures constructed in accordance with the wet floodproofing standards of SCC [30.65.120](#) (4) (a), (b) and (c) shall not require certification. A completed FEMA elevation certificate form 81-31 shall be required in accordance with National Flood Insurance Program regulations and standards. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005).

30.65.140 Certification form.

The form of the elevation and floodproofing certificate shall be specified by the department and shall be generally consistent with that required by FEMA for the administration of the national flood insurance program. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.150 Information to be obtained.

Surveyed existing ground elevations of the four corners of the proposed development shall be submitted with the plan review application. The elevation or floodproofing certificates shall verify the following flood hazard protection information:

- (1) Surveyed existing ground elevations of the four corners of the proposed development; and
- (2) The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; and
- (3) The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially improved floodproofed structures, and that the floodproofing measures utilized below the base flood elevation render the structure watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads

and effects of buoyancy. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 07-005, Feb. 21, 2007, Eff date Mar. 4, 2007).

30.65.160 Certification responsibility.

The project proponent shall be responsible for providing required certification data to the department prior to the applicable construction inspections specified in the certification form. All elevation data specified in SCC [30.65.150](#) must be obtained and certified by a registered professional land surveyor. Other floodproofing data specified in SCC [30.65.150](#) must be obtained and certified by a registered professional engineer or architect. The elevation and floodproofing certification shall be permanently maintained by the department. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005).

30.65.200 Floodway fringe areas: permitted uses.

The following uses are permitted in the floodway fringe areas:

- (1) Any use permitted by the applicable zone in accordance with chapter [30.22](#) SCC when in compliance with all applicable provisions established in this chapter unless prohibited by SCC [30.65.210](#).
- (2) *Utility transmission lines.* Utility transmission lines shall be permitted when consistent with chapter [30.22](#) SCC and where not otherwise inconsistent with this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway fringe or special flood hazard area en route to another destination, as opposed to serving customers within a floodway fringe or special flood hazard area, such transmission line shall conform to the following:
 - (a) Electric transmission lines shall cross floodway fringe and special flood hazard areas by the most direct route feasible. When support towers must be located within floodway fringe or special flood hazard areas, they shall be placed to avoid high flood water velocity and/or depth areas, and shall be adequately flood proofed.
 - (b) 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 scour of the waterway, as calculated on the basis of hydrologic

analyses. Such burial depth shall be maintained within the floodway fringe or special flood hazard area to the maximum extent of potential channel migration as determined by hydrologic analyses. All such hydrologic analyses shall conform to requirements of SCC [30.65.220\(6\)\(c\)](#).

(c) 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 Snohomish County soils. Burial depth in all other agricultural and non-agricultural floodway fringe or special flood hazard 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.

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

(e) Above ground utility transmission lines not including electric transmission lines shall only be allowed for the transportation of non-hazardous materials. In such cases, applicants must demonstrate that line placement will have no appreciable effect upon flood depth, velocity, or passage. Such lines shall be adequately protected from flood damage.

(f) Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in floodway fringe or special flood hazard areas except where no other alternative is available or in the event a floodway fringe or special flood hazard location is environmentally preferable. In such instances, above ground structures shall be located so that no appreciable effect upon flood depth, velocity or passage is created, and shall be adequately flood proofed.

(3) *Critical facilities.* Construction of new critical facilities shall be allowed only if no feasible alternative site is available outside of the flood hazard area. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.210 Floodway fringe areas: prohibited uses.

New mobile home parks and the expansion of existing mobile home parks shall be prohibited in floodway fringe areas. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.220 Floodways: permitted uses.

The following uses are allowed in the floodway when permitted by the applicable zone in accordance with 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 and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of SCC [30.65.230\(1\)](#):

- (1) Agriculture;
- (2) Forestry, including processing of forest products with portable equipment;
- (3) Preserves and reservations;
- (4) Park and recreational activities;
- (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 [30.31D](#) SCC and the county shoreline management program;
- (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:
 - (a) All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;
 - (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,

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support towers shall be located to avoid high flood water velocity and/or depth areas, and shall be adequately floodproofed;

(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;

(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 SCC [30.65.220\(6\)\(c\)](#). 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 the waterway crossing, burial specifications shall be determined as in SCC [30.65.220\(6\)\(d\)](#).
 - (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 infiltration of flood waters 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;

(h) The replacement farmhouse shall not exceed the total square footage of encroachment of the structure which it is replacing.

(8) Replacement of single family dwellings, other than farmhouse replacement pursuant to SCC [30.65.220\(7\)](#), when the flood depth, flood velocity, and flood-related erosion of the site is evaluated in order to identify a building location that offers the least risk of harm to life and property. A suitable building location for a replacement structure shall be approved for structures damaged by flooding or flood-related erosion only when the following are met:

(a) The State Department of Ecology, pursuant to RCW [86.16.041\(4\)](#) and [\(5\)](#), assesses the risk of harm to life and property posed by the specific conditions of the floodway at any proposed building site, and based upon scientific analysis of depth, velocity, and flood-related erosion recommends to the county that a waiver to the floodway prohibition of RCW [86.16.041\(2\)\(a\)](#) for repair, replacement or relocation of such structures is authorized for a specific building location.

(b) Repair, replacement or relocation of such structures is permitted only when authorization required pursuant to [30.65.220\(8\)\(a\)](#) is given in writing by the state department of ecology pursuant to RCW [86.16.041\(4\)](#) and [\(5\)](#).

(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.

(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

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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 other installations in floodway locations, project design must incorporate floodproofing.

(11) Dikes, when the applicant can provide clear and convincing evidence that:

- (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.

(12) Public works, limited to roads and bridges. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012).

Commented [RRP16]: If this is allowed per SCC then there should be clear direction provided that informs what is required by 44 CFR 65.3.

Commented [RRP17]: If this is allowed per SCC then there should be clear direction provided that informs what is required by 44 CFR 65.3.

30.65.230 Floodways: prohibited uses.

(1) The following uses/development are prohibited in the floodway:

(a) Any structure, including mobile homes designed for, or to be used for, human habitation of a permanent nature (including temporary dwellings authorized by SCC [30.22.130](#) except as provided by SCC [30.65.220\(7\)](#), (8), and (9).

(b) All encroachments, including fill, new construction, and other development unless ~~certification~~ verification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the ~~proposed~~ effect of the subject encroachment ~~would not~~ together with the cumulative effects of all similar potential encroachments shall not materially cause water to be

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diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or result in any increase in flood levels during the occurrence of the base flood discharge.

(c) The construction or storage of any object subject to flotation or movement during flood level periods;

(d) The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway are specifically prohibited:

- (i) the filling of marshlands,
- (ii) solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials,
- (iii) damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge; and
- (iv) critical facilities as defined in this title.

(2) The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 07-005, Feb. 21, 2007, Eff date Mar. 4, 2007).

Commented [RRP18]: FEMA questions the inclusion of this phrase as it does not seem to compliment what is being stated in SCC 30.65.230(b).

30.65.240 Density fringe area.

(1) SCC [30.65.240](#) through [30.65.285](#) provide specific criteria to be used in regulating development in areas of high flood damage potential where conventional floodway areas cannot be established. In order to foster the continued agricultural use of prime farmlands in these flood plain areas, and maintain an acceptable level of flood hazard protection, the development criteria outlined by this chapter shall apply to all development in the density fringe area. The development criteria contained in SCC [30.65.250](#) and [30.65.255](#) shall be utilized to prevent a cumulative increase in the base flood elevation of more than one foot.

(2) The density fringe area shall consist of the following:

- (a) *Areas designated on the Flood Insurance Study (FIS) for Snohomish County and Incorporated Areas, and the Flood Insurance Rate Maps (FIRMS)* dated September 16, 2005, and as amended in paper or digital format.*

(b) Stillaguamish River special flood hazard area (100-year flood plain) located between the mouth of said river and river mile 11.1; also corresponding to the Corps of Engineers study E-2-10-138 as modified by Snohomish County, sheets 1 through 8 or FIRMS as amended in paper or digital format by FEMA.

* **Code Reviser Note:** The text shown above in subsection (2)(a) in italic font was added by Amended Ord. [05-068](#) but was not indicated with addition marks.

(Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005).

30.65.250 Density fringe area: maximum allowable density.

The land area occupied by any use or development permitted by this chapter that will displace floodwaters shall not exceed two percent of the land area of that portion of the lot located in the density fringe area. The limitations of this section shall not apply to those uses listed in SCC [30.65.260](#). (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.255 Density fringe area: maximum allowable obstruction.

The maximum width (sum of widths) of all new construction, substantial improvements or other development shall not exceed 15 percent of the length of a line drawn perpendicular to the known floodwater flow direction at the point where the development(s) is located. The length of said line shall not extend beyond the property boundary or the edge of the density fringe area, whichever is less. The limitations of this section shall not apply to those uses listed in SCC [30.65.260](#). (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.260 Density fringe area: exceptions to maximum allowable density and obstruction limitations.

The following uses shall be exempt from the maximum allowable density and obstruction limitations of SCC [30.65.250](#) and [30.65.255](#):

- (1) Water-dependent utilities;
- (2) Dikes;
- (3) Utility facilities; and
- (4) Public works, when the project proponent demonstrates that the floodwater displacement effects of the proposal when considered together with the maximum potential floodwater displacement allowed by SCC [30.65.250](#) and [30.65.255](#) shall not cause a cumulative increase in the base flood elevation of more than one foot. Floodwater displacement information shall be obtained and certified by a professional engineer. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.265 Density fringe area: recording required when density and obstruction allowances are increased.

When the density and/or the allowable obstruction area in a density fringe designation is increased pursuant to SCC [30.65.250](#) and [30.65.255](#), the property owner shall record with the Auditor's office a notice in a form approved by Planning and Development Services describing the related flood hazard permit number, subject property assessor number(s) and structures included in the density fringe area calculations. (Added by Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005; Amended by Amended Ord. 07-005, Feb. 21, 2007, Eff date Mar. 4, 2007).

30.65.270 Density fringe area: general provisions.

The following regulations shall apply to all development in the density fringe area:

- (1) Identified natural drainage channels that are secondary to the river channel(s) in discharging floodwaters downstream during flood periods shall be preserved or maintained as open space.
- (2) All structures and development shall be oriented parallel to known floodwater flow directions in order to minimize flow obstruction. Determination of such orientation shall be based upon topographical and historical flood data. When such information is not available, orientation shall be in an upstream-downstream direction, parallel with the adjacent river channel except that such orientation shall not be required for utility transmission lines permitted by SCC [30.65.280\(6\)](#), and roads permitted by SCC [30.65.280\(13\)](#).

(3) All new construction and substantial improvements shall comply with the flood hazard protection standards of SCC [30.65.120](#). (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.280 Density fringe area: permitted uses.

The following uses are permitted in the density fringe area:

- (1) Agriculture, including:
 - (a) Accessory agricultural structures such as but not limited to barns, milking parlors, silos, manure tanks, and loafing sheds that provide direct support for primary agricultural activities including tilling of the soil, raising of crops, horticulture, viticulture, small livestock, poultry, pasturing, grazing, dairying and/or animal husbandry; and
 - (b) Livestock protection mounds, when the mounds do not consist of solid waste as defined by this title; and
 - (c) Manure pits and lagoons;
- (2) Forestry, including processing of forest products with portable equipment;
- (3) Preserves and reservations;
- (4) Parks and recreational activities;
- (5) Removal of rock, sand and gravel providing that the applicant can provide clear and convincing evidence that such a use will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flood 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 [30.31D](#) SCC and the county shoreline management program;
- (6) Utility transmission lines, under the same terms and conditions of SCC [30.65.200\(2\)](#);
- (7) *Water-dependent utilities*. 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; and structural and non-structural flood damage reduction facilities, and stream bank stabilization structures and practices;

(8) Improvements to existing residential structures that do not exceed the maximum allowable density and obstruction requirements of SCC [30.65.250](#) and [30.65.255](#);

(9) Single family farmhouse structures including modular homes and mobile homes placed on permanent concrete foundations, if the following conditions are met:

- (a) The structure is constructed to building code standards;
- (b) The farmhouse is necessary to the operation of a commercial farm engaged in agriculture;
- (c) A potential building site for the farmhouse on the same farm site is not available outside the density fringe area;
- (d) Earthfill utilized for building foundation shall be emplaced and stabilized in a manner that will prevent erosion from flood water flow;
- (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 infiltration of flood waters into the system and to eliminate or minimize 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;
- (h) An egress plan for vacating the structure during the base flood occurrence shall be provided;

(10) Marinas;

(11) Dikes, if the applicant can provide clear and convincing evidence that:

- (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;

(12) Utility facilities;

(13) Public works, limited to:

(a) Roads,

(b) Bridges,

(c) Docks, and

(d) Port facilities; and

(14) In urban growth areas only, sawmill storage yards when located adjacent to existing sawmill uses. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012).

30.65.285 Density fringe area: prohibited uses.

The following uses shall be prohibited in the density fringe area:

(1) Any structure, including mobile homes, designed for, or to be used for human habitation of a permanent nature (including temporary dwellings authorized by SCC [30.22.130](#), except as provided by SCC [30.65.280\(8\)](#) and [\(9\)](#);

(2) The construction or storage of any object subject to flotation or movement during flooding;

(3) The filling of marshlands;

(4) Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials;

(5) Damming or relocation on any watercourse that will result in any downstream increase in flood levels during the base flood;

(6) Critical facilities;

(7) The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.300 Continuation of nonconforming uses and structures.

Any nonconforming use or nonconforming structure may be continued subject to the provisions of this chapter. The provisions of SCC [30.65.310](#) through [30.65.340](#) shall be applied in place of other provisions in chapter [30.28](#) SCC relating to nonconforming uses and structures. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.310 Nonconforming uses.

Nonconforming uses shall not be expanded and may be changed only to other uses which are allowed by this chapter; except that nonsubstantial improvements to the structural portions of nonconforming uses are allowed as provided in SCC [30.65.330\(1\)](#). (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.320 Discontinuance.

If the nonconforming use is discontinued for a period of 12 consecutive months or more, the nonconforming status of the use is terminated and any future use of the land or structures shall be in conformity with the provisions of this chapter. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.330 Restoration.

(1) Nothing in this shall be deemed to prohibit the restoration of the structural portions of a nonconforming use located outside a designated floodway within six months from the date of its

accidental damage by fire, explosion, natural disaster, or act of public enemy; provided that the applicable elevation and/or floodproofing requirements of this title shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed 75 percent of the market value; provided further that restoration of nonresidential structures in the floodway shall be allowed when the applicable provisions of SCC [30.65.220](#) and [30.65.230](#) are met.

(2) Construction or reconstruction of the structural portions of a nonconforming use pursuant to this section in a special flood hazard area, whether new construction, substantial or nonsubstantial improvements, shall be subject to all applicable provisions of this chapter and chapter [30.43C](#). (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

30.65.340 Nonconforming structures.

(1) Nonconforming structures may be structurally altered or enlarged and nonconforming structures accidentally damaged or destroyed by fire, explosion, act of God, or act of public enemy may be reconstructed; provided that the degree of nonconformance shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed when proposed construction is a substantial improvement provided further that, construction in the floodway (nonsubstantial and substantial improvements) shall be subject to the limitations of SCC [30.65.220](#) and [30.65.230](#).

(2) Nonconforming structures that are also the structural portions of a nonconforming use shall also be subject to the provisions of SCC [30.65.330](#). (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003).

The Snohomish County Code is current through legislation passed February 19, 2020.

Disclaimer: The Clerk of the Council's Office retains the official version of the Snohomish County Code. The web version is updated as new ordinances become effective, and includes new ordinances through 19-085. New ordinances do not necessarily become effective in chronological or numerical order. Users should contact the Clerk of the Council's Office for information on legislation not yet reflected in the web version.

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Chapter Listing | RCW Dispositions

Chapter 86.16 RCW

FLOODPLAIN MANAGEMENT

Sections

- 86.16.010** Statement of policy—State control assumed.
- 86.16.020** Floodplain management regulation.
- 86.16.025** Authority of department.
- 86.16.031** Duties of the department of ecology.
- 86.16.035** Department of ecology—Control of dams and obstructions.
- 86.16.041** Floodplain management ordinances and amendments—Filing with the department of ecology—Disapproval by the department—Adoption of rules for repair or replacement of existing residential structures.
- 86.16.045** Adoption of ordinances or requirements that exceed minimum federal requirements.
- 86.16.051** Basis for state and local floodplain management.
- 86.16.061** Adoption of rules.
- 86.16.071** Chapter not to create liability for damages against the state.
- 86.16.081** Enforcement of chapter—Civil penalty—Review by pollution control hearings board or local legislative authority.
- 86.16.110** Appeals.
- 86.16.120** Flood damages defined.
- 86.16.160** Local programs not prevented.
- 86.16.180** Processing of permits and authorizations for emergency water withdrawal and facilities to be expedited.
- 86.16.190** Livestock flood sanctuary areas.
- 86.16.900** Chapter liberally construed.

RCW 86.16.010

Statement of policy—State control assumed.

The legislature finds that the alleviation of recurring flood damages to public and private property and to the public health and safety is a matter of public concern. As an aid in effecting such alleviation the state of Washington, in the exercise of its sovereign and police powers, hereby assumes full regulatory control over the navigable and nonnavigable waters flowing or lying within the borders of the state subject always to the federal control of navigation, to the extent necessary to accomplish the objects of this chapter. In addition, in an effort to alleviate flood damage and expenditures of government funds, the federal government adopted the national flood insurance act of 1968 and subsequently the flood disaster protection act of 1973. The department of ecology is the state agency in Washington

responsible for coordinating the floodplain management regulation elements aspects of the national flood insurance program.

[1987 c 523 § 1; 1935 c 159 § 1; RRS § 9663A-1.]

RCW 86.16.020

Floodplain management regulation.

Statewide floodplain management regulation shall be exercised through: (1) Local governments' administration of the national flood insurance program regulation requirements, (2) the establishment of minimum state requirements for floodplain management that equal the minimum federal requirements for the national flood insurance program, and (3) the issuance of regulatory orders. This regulation shall be exercised over the planning, construction, operation and maintenance of any works, structures and improvements, private or public, which might, if improperly planned, constructed, operated and maintained, adversely influence the regimen of a stream or body of water or might adversely affect the security of life, health and property against damage by flood water.

[1989 c 64 § 1; 1987 c 523 § 2; 1935 c 159 § 3; RRS § 9663A-3. FORMER PART OF SECTION: 1939 c 85 § 1 now codified as RCW 86.16.025 and 86.16.027.]

RCW 86.16.025

Authority of department.

Subject to RCW 43.21A.068, with respect to such features as may affect flood conditions, the department shall have authority to examine, approve or reject designs and plans for any structure or works, public or private, to be erected or built or to be reconstructed or modified upon the banks or in or over the channel or over and across the floodway of any stream or body of water in this state.

[1995 c 8 § 4; 1989 c 64 § 2; 1987 c 109 § 50; 1939 c 85 § 1; 1935 c 159 § 6; RRS § 9663A-6. Formerly RCW 86.16.020, part.]

NOTES:

Findings—1995 c 8: See note following RCW 43.21A.064.

Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109: See notes following RCW 43.21B.001.

RCW 86.16.031

Duties of the department of ecology.

The department of ecology shall:

- (1) Review and approve county, city, or town floodplain management ordinances pursuant to RCW 86.16.041;
- (2) When requested, provide guidance and assistance to local governments in development and amendment of their floodplain management ordinances;
- (3) Provide technical assistance to local governments in the administration of their floodplain management ordinances;
- (4) Provide local governments and the general public with information related to the national flood insurance program;
- (5) When requested, provide assistance to local governments in enforcement actions against any individual or individuals performing activities within the floodplain that are not in compliance with local, state, or federal floodplain management requirements;
- (6) Establish minimum state requirements that equal minimum federal requirements for the national flood insurance program;
- (7) Assist counties, cities, and towns in identifying the location of the one hundred year floodplain, and petitioning the federal government to alter its designations of where the one hundred year floodplain is located if the federally recognized location of the one hundred year floodplain is found to be inaccurate; and
- (8) Establish minimum state requirements for specific floodplains that exceed the minimum federal requirements for the national flood insurance program, but only if: (a) The location of the one hundred year floodplain has been reexamined and is certified by the department as being accurate; (b) negotiations have been held with the affected county, city, or town over these regulations; (c) public input from the affected community has been obtained; and (d) the department makes a finding that these increased requirements are necessary due to local circumstances and general public safety.

[1989 c 64 § 3; 1987 c 523 § 3.]

RCW 86.16.035

Department of ecology—Control of dams and obstructions.

Subject to RCW 43.21A.068, the department of ecology shall have supervision and control over all dams and obstructions in streams, and may make reasonable regulations with respect thereto concerning the flow of water which he or she deems necessary for the protection to life and property below such works from flood waters.

[2013 c 23 § 478; 1995 c 8 § 5. Prior: 1987 c 523 § 9; 1987 c 109 § 53; 1935 c 159 § 8; RRS § 9663A-8. Formerly RCW 86.16.030, part.]

NOTES:

Findings—1995 c 8: See note following RCW **43.21A.064**.

Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109: See notes following RCW **43.21B.001**.

RCW 86.16.041

Floodplain management ordinances and amendments—Filing with the department of ecology—Disapproval by the department—Adoption of rules for repair or replacement of existing residential structures.

(1) Beginning July 26, 1987, every county and incorporated city and town shall submit to the department of ecology any new floodplain management ordinance or amendment to any existing floodplain management ordinance. Such ordinance or amendment shall take effect thirty days from filing with the department unless the department disapproves such ordinance or amendment within that time period.

(2) The department may disapprove any ordinance or amendment submitted to it under subsection (1) of this section if it finds that an ordinance or amendment does not comply with any of the following:

(a) Restriction of land uses within designated floodways including the prohibition of construction or reconstruction, repair, or replacement of residential structures, except for: (i) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either, (A) before the repair, reconstruction, or repair 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 or building enforcement official and which are the minimum necessary to ensure safe living conditions shall not be included in the fifty percent determination. However, the floodway prohibition in this subsection does not apply to existing farmhouses in designated floodways that meet the provisions of subsection (3) of this section, or to substantially damaged residential structures other than farmhouses that meet the depth and velocity and erosion analysis in subsection (4) of this section, or to structures identified as historic places;

(b) The minimum requirements of the national flood insurance program; and

(c) The minimum state requirements adopted pursuant to RCW **86.16.031**(8) that are applicable to the particular county, city, or town.

(3) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and which are located on lands designated as agricultural lands of long-term commercial significance under RCW **36.70A.170** shall 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 base flood elevation;

(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.

(4) For all substantially damaged residential structures other than farmhouses that are located in a designated floodway, the department, at the request of the town, city, or county with land use authority over the structure, is authorized to assess the risk of harm to life and property posed by the specific conditions of the floodway, and, based upon scientific analysis of depth, velocity, and flood-related erosion, may exercise best professional judgment in recommending to the permitting authority, repair, replacement, or relocation of such damaged structures. The effect of the department's recommendation, with the town, city, or county's concurrence, to allow repair or replacement of a substantially damaged residential structure within the designated floodway is a waiver of the floodway prohibition.

(5) The department shall develop a rule or rule amendment guiding the assessment procedures and criteria described in subsections (3) and (4) of this section no later than December 31, 2000.

(6) For the purposes of this section, "farmhouse" means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

[2000 c 222 § 1; 1999 c 9 § 1; 1989 c 64 § 4; 1987 c 523 § 4.]

NOTES:

Effective date—1999 c 9: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 15, 1999]." [1999 c 9 § 2.]

RCW 86.16.045

Adoption of ordinances or requirements that exceed minimum federal requirements.

A county, city, or town may adopt floodplain management ordinances or requirements that exceed the minimum federal requirements of the national flood insurance program without following the procedures provided in RCW **86.16.031**(8).

[**1989 c 64 § 6.**]

RCW 86.16.051

Basis for state and local floodplain management.

The basis for state and local floodplain management regulation shall be the areas designated as special flood hazard areas on the most recent maps provided by the federal emergency management agency for the national flood insurance program. Best available information shall be used if these maps are not available or sufficient.

[**1987 c 523 § 5.**]

RCW 86.16.061

Adoption of rules.

The department of ecology after consultation with the public shall adopt such rules as are necessary to implement this chapter.

[**1989 c 64 § 5; 1987 c 523 § 6.**]

RCW 86.16.071

Chapter not to create liability for damages against the state.

The exercise by the state of the authority, duties, and responsibilities as provided in this chapter shall not imply or create any liability for any damages against the state.

[**1987 c 523 § 7.**]

RCW 86.16.081

Enforcement of chapter—Civil penalty—Review by pollution control hearings board or local legislative authority.

(1) Except as provided in RCW **43.05.060** through **43.05.080** and **43.05.150**, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

[**1995 c 403 § 634**; **1987 c 523 § 8**.]

NOTES:

Findings—Short title—Intent—1995 c 403: See note following RCW **34.05.328**.

RCW **86.16.110**

Appeals.

Any person, association, or corporation, public, municipal, or private, feeling aggrieved at any order, decision, or determination of the department or director pursuant to this chapter, affecting his or her interest, may have the same reviewed pursuant to RCW **43.21B.310**.

[**1991 c 322 § 11**. Prior: (Repealed by 1987 c 523 § 12); **1987 c 109 § 23**; **1935 c 159 § 17**; RRS § 9663A-17.]

NOTES:

Reviser's note: This section was repealed by 1987 c 523 § 12 without cognizance of its amendment by 1987 c 109 § 23, and was subsequently reenacted by **1991 c 322 § 11**.

Findings—Intent—Purpose—1991 c 322: See notes following RCW **86.12.200**.

Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109: See notes following RCW **43.21B.001**.

RCW 86.16.120

Flood damages defined.

Damages within the meaning of this chapter shall include harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which injuriously affect the public health and the safety of property.

[1935 c 159 § 2; RRS § 9663A-2.]

RCW 86.16.160

Local programs not prevented.

Nothing in this chapter shall prevent any county, city or town from establishing, pursuant to any authority otherwise available to them, flood control regulation programs and related land use control measures in areas which are subject to flooding or flood damages.

[1973 c 75 § 2.]

RCW 86.16.180

Processing of permits and authorizations for emergency water withdrawal and facilities to be expedited.

All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

[1989 c 171 § 9; 1987 c 343 § 7.]

NOTES:

Severability—1989 c 171: See note following RCW 43.83B.400.

Severability—1987 c 343: See note following RCW 43.83B.300.

RCW 86.16.190

Livestock flood sanctuary areas.

Local governments that have adopted floodplain management regulations pursuant to this chapter shall include provisions that allow for the establishment of livestock flood sanctuary areas at a convenient location within a farming unit that contains domestic livestock. Local governments may limit the size and configuration of the livestock flood sanctuary areas, but such limitation shall provide adequate space for the expected number of livestock on the farming unit and shall be at an adequate elevation to protect livestock. Modification to floodplain management regulations required pursuant to this section shall be within the minimum federal requirements necessary to maintain coverage under the national flood insurance program.

[1991 c 322 § 17.]

NOTES:

Findings—Intent—1991 c 322: See note following RCW 86.12.200.

RCW 86.16.900

Chapter liberally construed.

The provisions of this chapter and all proceedings thereunder shall be liberally construed with a view to effect their object.

[1935 c 159 § 19; RRS § 9663A-19.]

Special Hazard Areas

Index # - File Name: 1.0019_86.16.pdf

Special Hazard Areas

Index # - File Name: 1.0019_86.16.pdf

Special Hazard Areas

Index # - File Name: 1.0019_86.16.pdf

Special Hazard Areas

Index # - File Name: 1.0019_86.16.pdf

Special Hazard Areas

Index # - File Name: 1.0019_86.16.pdf

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Index # - File Name: 1.0019_86.16.pdf

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Adopted: 05/27/20

Effective: 06/13/20

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

1 WHEREAS, chapter 30.65 SCC includes standards and restrictions for development in
2 the special flood hazard areas; and
3

4 WHEREAS, on January 12, 2007, FEMA notified the County of proposed changes to the
5 Base Flood Elevations (BFE) affecting the FIRMs and the FIS for the unincorporated areas of
6 the County; and
7

8 WHEREAS, on February 1, 2018, FEMA notified the County of proposed modified
9 Flood Hazard Determinations (FHD) for the unincorporated areas of the County; and
10

11 WHEREAS, on January 16, 2019, staff from the Washington State Department of
12 Ecology (“Department of Ecology”) visited the County and completed a Community Assistance
13 Visit (CAV); and
14

15 WHEREAS, on October 24, 2019, the Department of Ecology issued a CAV report to the
16 County identifying recommended and required amendments to floodplain management
17 regulations in the Code; and
18

19 WHEREAS, after extensive review and multiple public comment periods, the County
20 received a letter on December 19, 2019, from FEMA stating that determination on the proposed
21 FHDs is considered final, and that the final BFEs and FHDs will become effective on June 19,
22 2020; and
23

24 WHEREAS, as a condition of continued eligibility in the NFIP, the County must adopt
25 the updated FIS and associated FIRMs no later than June 19, 2020; and
26

27 WHEREAS, as a condition of continued eligibility in the NFIP, the County is required to
28 adopt updated floodplain management regulations that meet or exceed the standards of the NFIP
29 regulations found at 44 CFR § 60.3(d) and (e) no later than June 19, 2020; and
30

31 WHEREAS, the Snohomish County Planning Commission (“Planning Commission”)
32 was provided a briefing on the contents of this proposed ordinance on February 25, 2020, and
33 scheduled a public hearing to consider the proposed amendments on March 24, 2020; and
34

35 WHEREAS, on March 23, 2020, responding to the COVID-19 public health emergency,
36 Washington State Governor Jay Inslee issued Proclamation 20-25, “Stay Home – Stay Healthy”
37 prohibiting all Washington residents from leaving their homes and closing all non-essential
38 business operations including many normal governmental functions; and
39

40 WHEREAS, proper notice was provided for the Planning Commission’s March 24, 2020,
41 public hearing, but in response to Proclamation 20-25, and to protect the health and safety of
42 planning commissioners, County staff, and the general public, the hearing was canceled; and

1
2 WHEREAS, pursuant to SCC 30.73.040, the Snohomish County Council ("County
3 Council") cannot consider Type 3 legislation that has not had a public hearing nor received a
4 recommendation from the Planning Commission unless an exemption under SCC 30.73.040(2) is
5 applicable; and

6
7 WHEREAS, failure to adopt the FIS, FIRMs, and code amendments required by FEMA
8 by June 19, 2020, could result in the County being suspended from the NFIP and County
9 residents losing the ability to purchase federally-subsidized flood insurance; and

10
11 WHEREAS, to ensure timely adoption of the proposed regulations by the County
12 Council consistent with SCC procedural requirements, it is not feasible to first receive a
13 recommendation on the proposed regulations from the Planning Commission prior to County
14 Council consideration of the regulations; and

15
16 WHEREAS, Revised Code of Washington (RCW) 36.70A.390 and SCC 30.73.090 allow
17 the County Council to enact interim official controls that are effective for up to six months, as an
18 emergency action without receiving a recommendation from the Planning Commission; and

19
20 WHEREAS, it is in the interest of the County and its residents to maintain active
21 membership in the NFIP and adopt these regulations by emergency action as interim official
22 controls; and

23
24 WHEREAS, on May 27, 2020, the County Council held a public hearing after proper
25 notice, and considered public comment and the entire record related to the code amendments
26 contained in this ordinance; and

27
28 WHEREAS, following the public hearing, the County Council deliberated on the interim
29 official controls contained in this ordinance;

30
31 NOW, THEREFORE, BE IT ORDAINED:

32
33 Section 1. The County Council adopts the following findings in support of this
34 ordinance:

35
36 A. The foregoing recitals are adopted as findings as if set forth in full herein.

37
38 B. Snohomish County could be suspended from the NFIP if the updated FIS, FIRMs, and flood
39 hazard regulations that are compliant with the standards of the NFIP are not adopted by June
40 19, 2020. Suspension could result in lapse of flood insurance coverage for residents of
41 Snohomish County. This possibility justifies and requires that the minimum regulations

proposed in this ordinance are adopted as interim official controls via emergency action under SCC 30.73.090 and RCW 30.70A.390.

C. The interim official controls adopted by this ordinance will ensure that there is no lapse in the County's participation in the NFIP and will provide time needed for permanent regulations to be considered through the County's normal legislative processes for Type 3 legislation as provided in chapter 30.73 SCC.

D. It is in the County's best interest to adopt these interim official controls as an emergency action as allowed under SCC 30.73.090.

E. The interim official controls will promote the public's health, safety, and general welfare by providing County residents with uninterrupted participation in the NFIP.

F. This ordinance will amend chapters 30.43C and 30.65 SCC and subtitle 30.9 SCC to update regulations related to development in special flood hazard areas; such amendments are necessary to maintain the County's eligibility to participate in the NFIP. In particular, the amendments will:

1. Amend SCC 30.43C.020 to clarify that a flood hazard permit is required for any development in a special flood hazard area as that phrase is defined in SCC 30.91D.250.
2. Amend SCC 30.43C.030 to require additional submittal requirements for proposals that will alter the base flood elevation, the boundaries of a special flood hazard area, or both.
3. Add SCC 30.43C.220 stating that enforcement of chapter 30.43C SCC is accomplished under the provisions of chapter 30.85 SCC.
4. Amend SCC 30.65.040 to adopt the FIS and FIRMs that will become effective on June 19, 2020.
5. Add SCC 30.65.060 to recognize that the provisions of chapter 30.65 SCC are not intended to affect any existing easements, covenants, or deed restrictions and requiring the imposition of the more stringent restrictions when chapter 30.65 SCC conflicts or overlaps with any existing easements, covenants, or deed restrictions.
6. Amend chapter 30.65 SCC by adding new section SCC 30.65.070 to designate a floodplain administrator and new section SCC 30.65.075 to assign duties and responsibilities to the floodplain administrator.
7. Amend SCC 30.65.100 to prohibit construction, substantial improvements or development within the AE zone unless an applicant demonstrates the cumulative effect

of the proposed development when combined with existing and anticipated development will not increase the water surface elevation of the base flood more than one foot.

8. Amend SCC 30.65.110 and SCC 30.65.120 to update floodproofing standards for consistency with general federal regulations.
9. Amend SCC 30.65.125 for consistency with federal regulations.
10. Amend SCC 30.65.130 to clarify that an elevation certificate, when required, shall use the current version of the FEMA prepared form.
11. Amend SCC 30.65.140 to require the County's floodproofing certificate be consistent with that required by FEMA for the administration of the NFIP.
12. Amend chapter 30.65 SCC by adding new section SCC 30.65.170 recognizing that livestock flood sanctuaries are allowed in certain instances in special flood hazard areas and establishing standards for the use of livestock flood sanctuaries on agricultural land.
13. Amend SCC 30.65.220 to update regulations related to the repair or reconstruction of non-farmhouse residences that are substantially damaged during a flood event. The amendments are necessary to ensure the County's regulations are consistent with federal regulations.
14. Amend SCC 30.65.230 to prohibit proposed encroachments in a floodway unless an applicant provides a certification from a relevant professional confirming the proposal will not result in an increase of flood levels during a base flood.
15. Amend SCC 30.65.240 to recognize that the density fringe area includes those areas so designated in the updated FIS and on the updated FIRMs.
16. Add a new section SCC 30.65.290 to adopt standards for development in shallow flooding areas.
17. Add a new section SCC 30.65.295 to adopt standards for development in coastal high hazard areas.
18. Add SCC 30.65.350 stating that enforcement of chapter 30.65 SCC is accomplished under the provisions of chapter 30.85 SCC.
19. Amend chapters 30.91A, 30.91B, 30.91C, 30.91D, 30.91F, 30.91H, 30.91L, 30.91M, 30.91N, 30.91R, and 30.91S SCC to both update existing definitions and add new

required definitions related to special flood hazard areas to ensure consistency with NFIP standards and maintain participation in the program.

G. In considering the proposed amendments, the County considered the goals of the Growth Management Act (GMA), chapter 36.70A RCW. The proposed amendments are consistent with:

GMA Goal 10 - "Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water."

The proposed amendments support GMA Goal 10 by placing restrictions on flood hazard areas that are located on and adjacent to water bodies. Flood hazard regulations protect quality of life by working to reduce damage to development as a result of flooding. Further, they work to protect watercourses and other water bodies and water quality by placing restrictions on development near these areas.

H. In considering the proposed amendments, the County considered the goals, objectives, and policies of the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy Plan (GPP). The proposed amendments will better achieve, comply with, and implement the following goal, objective, and policies in the GPP:

Goal NE 3 – "Comply with the requirements of state, federal and local laws for protecting and managing critical areas, shorelines, and water."

Objective NE 3.D - "Designate and protect frequently flooded areas pursuant to the Growth Management Act."

NE Policy 3.D.3 – "The county should meet the requirements of the National Flood Insurance Program."

NE Policy 3.D.4 – "The county should participate in the National Flood Insurance Program Community Rating System (CRS)."

NE Policy 3.D.5 – "The county should incorporate new science and analysis of flood hazards into its regulations and mapping as they become available, including accounting for increases in future flood flows, sea level rise and tsunami risk."

The proposed amendments will facilitate implementation of this planning goal, this planning objective, and these planning policies by improving the regulatory protection of frequently flooded areas. The proposed amendments will adopt floodplain management regulations and FIRMs that incorporate the newest scientific analysis into determination

of flood risk. Finally, adoption of updated maps and updated codes is required for continued participation in the NFIP and CRS.

I. Procedural requirements.

1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on May 5, 2020.
2. The proposal adopts interim official controls pursuant to RCW 36.70A.390 and is an emergency action under SCC 30.73.090 because the recent COVID-19 public health emergency prevented the County from completing its normal legislative process for this Type 3 legislative action in a manner that protects the health and safety of planning commissioners, County staff, and the general public.
3. This proposal is an emergency action, and, as provided in SCC 30.73.040(2)(a), Planning Commission review is not required.
4. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on April 22, 2020.
5. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and the SCC.
6. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in September of 2018 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property" to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General's 2018 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

J. The proposed amendments are consistent with the record.

1. County residents and property owners can purchase affordable flood insurance that helps offset the risk of flood damage because of the County's participation in the NFIP.
2. As a condition of participation in the NFIP, the County is required to adopt FEMA-published FIS and FIRMs and floodplain management regulations that are consistent with NFIP standards.

3. The proposed Code amendments are necessary for continued compliance with the requirements of the NFIP. The regulations that accompany the updated FIS and FIRMs were developed based on the requirements found both in federal regulations and state law as well as with guidance provided by the Department of Ecology.
4. The County's new FIS and updated FIRMs will become effective on June 19, 2020.
5. Under 44 CFR § 60.2(a), to maintain active membership in the NFIP, the County is required to adopt the updated study and maps and adopt amendments to the floodplain development regulations no later than June 19, 2020.
6. The code amendments proposed by this ordinance will adopt the updated FIS and FIRMs and make all changes to the Code required for continued participation in the NFIP.
7. In response to the COVID-19 public health emergency, Washington State Governor Jay Inslee issued Proclamation 20-25, "Stay Home – Stay Healthy." The proclamation significantly impacted normal County governmental operations and prevented the Planning Commission from considering these amendments during a public hearing. Likewise, the Planning Commission was unable to provide the County Council with a recommendation on the proposed changes with sufficient time for the County Council to consider and approve this legislation prior to the federally-mandated June 19, 2020, deadline.

Section 2. The County Council makes the following conclusions.

1. The proposed amendments are consistent with the goals, policies, and objectives of the GPP.
2. The proposed amendments are consistent with NFIP standards, Washington State Law, and the SCC.
3. The County has complied with all SEPA requirements with respect to this non-project action.
4. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.
5. Approval of this ordinance prior to June 19, 2020, is necessary to ensure continued flood insurance coverage for Snohomish County residents. Governmental response to the COVID-19 public health emergency prevented completion of the normal legislative process, necessitating emergency action as allowed under SCC 30.73.090 and adopting the required flood hazard regulations as interim official controls under RCW 36.70A.390.

Section 3. The County Council bases its findings and conclusions on the entire record of the County Council, including all testimony and exhibits. Any finding which should be deemed a conclusion, and any conclusion that should be a finding, is hereby adopted as such.

Section 4. Snohomish County Code Section 30.43C.020, last amended by Amended Ordinance 07-005 on February 21, 2007, is amended to read:

30.43C.020 Flood hazard permit.

Prior to any development within a special flood hazard area as defined in SCC 30.91D.250, a flood hazard permit shall be obtained. The department shall have the authority to approve, approve with conditions, or deny a flood hazard permit using a Type 1 administrative decision. The flood hazard permit is exempt from the notice provisions set forth in SCC 30.70.050 and SCC 30.70.060(2) except that the notice shall be provided in compliance with 30.70.045(4)(d) when applicable. If the permit is accompanied by a concurrent Type 2 application, the flood hazard permit application may, at the applicant's request, be processed concurrently with the Type 2 permit application. In order to be considered concurrent, the Type 2 application must be submitted to the county at the same time as the flood hazard permit application.

Section 5. Snohomish County Code Section 30.43C.030, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.43C.030 Additional submittal requirements.

All persons applying for a flood hazard permit shall make application to and shall meet the submittal requirements established by the department pursuant to SCC 30.70.030. Additional submittal requirements shall include the following:

- (1) Name of the stream or body of water associated with the floodplain in which the development is proposed;
- (2) General location of the proposed development, including direction and distance from the nearest town or intersection;
- (3) Site plan map showing:
 - (a) Site boundaries;
 - (b) Location and dimensions of the proposed development or structure;
 - (c) Location and volume of any proposed fill material; and

(d) Location of existing structures;

(4) Topographic, engineering, and construction information necessary to evaluate the proposed project that may be requested by the department through the preapplication process or during the initial review for completeness of the application; ~~((and))~~

(5) Additional information when required pursuant to chapter 30.65 SCC~~((:))~~;

(6) If a project proposes to alter or relocate a riverine watercourse, the flood hazard permit application shall include a description of the extent to which the riverine watercourse will be altered or relocated; and

(7) If a project will alter the base flood elevation or the boundaries of the special flood hazard area the flood hazard permit application shall include:

(a) Engineering documentation and analysis developed by a registered qualified professional engineer regarding the proposed change; and

(b) If required the Federal Emergency Management Agency, a letter of map change from that agency. If a letter of map change is required, the applicant must receive approval of a conditional letter of map revision from the Federal Emergency Management Agency before the flood hazard permit may be approved. The application for the flood hazard permit shall include the complete conditional letter of map revision application package.

Section 6. A new section is added to Snohomish County Code Chapter 30.43C to read:

30.43C.220 Enforcement.

The provisions of this chapter shall be enforced under chapter 30.85 SCC.

Section 7. Snohomish County Code Section 30.65.040, last amended by Amended Ordinance 05-068 on September 7, 2005, is amended to read:

30.65.040 Special flood hazard areas established.

~~((1) The special flood hazard areas ((designated by the federal emergency management agency)) identified by the Federal Insurance Administrator in a scientific and engineering report entitled "the ((flood insurance study)) Flood Insurance Study (FIS) for ((unincorporated)) Snohomish County, Washington, and Incorporated Areas," dated June 19, 2020, ((September 16, 2005, and)) with ((the flood insurance rate maps (FIRMS)* for Snohomish County, Washington and incorporated areas revised September 16, 2005, or as amended* and issued by FEMA on paper~~

or digital format, together with the corresponding U.S. army corps of engineers river study maps,) accompanying Flood Insurance Rate Maps (FIRMs) dated June 19, 2020, are adopted herein by reference and declared to be a part of this chapter and are hereby established as special flood hazard areas for the purposes of this chapter. The FIS and FIRMs are on file at 3000 Rockefeller Avenue, Everett, Washington 98201.

(2) When base flood elevation for A and V zones has not been provided under SCC 30.65.040(1), the best available information for flood hazard area identification described in SCC 30.65.075(3) shall be the basis for regulation in those zones.

Section 8. A new section is added to Snohomish County Code Chapter 30.65 to read:

30.65.060 Existing easements, covenants, and deed restrictions.

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

Section 9. A new section is added to Snohomish County Code Chapter 30.65 to read:

30.65.070 Designation of the floodplain administrator.

The director is designated the floodplain administrator and shall administer, implement, and enforce chapter 30.65 SCC by granting or denying flood hazard permits under chapter 30.43C SCC consistent with applicable regulations. The floodplain administrator may delegate authority to implement chapters 30.43C and 30.65 SCC.

Section 10. A new section is added to Snohomish County Code Chapter 30.65 to read:

30.65.075 Duties and responsibilities of the floodplain administrator.

The duties of the floodplain administrator shall include:

(1) Review all permits for development regulated by this chapter to determine that:

(a) The requirements of chapter 30.43C and 30.65 SCC have been satisfied;

(b) All other required state and federal permits have been obtained; and

(c) The proposed development is not located in the floodway. If the development is located in the floodway, assure the provisions of SCC 30.65.230(b) are met.

- 1 (2) Notify FEMA when annexations occur in the special flood hazard area.
- 2
- 3 (3) When base flood elevation has not been provided in A or V Zones under SCC 30.65.040, the
- 4 floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and
- 5 floodway data available from a federal, state, or other source to administer SCC 30.65.120, SCC
- 6 30.65.220, and SCC 30.65.230.
- 7
- 8 (4) Obtain and maintain the following information:
- 9
- 10 (a) Where base flood elevation is provided through the FIS, FIRM, or based on
- 11 information obtained under SCC 30.65.075(3), obtain and record the actual (as-built)
- 12 elevation (in relation to mean sea level) of the lowest floor (including basement) of all
- 13 new or substantially-improved structures, and whether the structure contains a basement.
- 14
- 15 (b) In V and VE zones, documentation of the bottom of the lowest horizontal structural
- 16 member.
- 17
- 18 (c) For all new or substantially-improved floodproofed nonresidential structures where
- 19 base flood elevation data is provided through the FIS, FIRM, or based on information
- 20 obtained under SCC 30.65.075(3):
- 21
- 22 (i) Obtain and record the elevation (in relation to mean sea level) to which the
- 23 structure was floodproofed; and
- 24
- 25 (ii) Maintain the floodproofing certifications required in SCC 30.65.130.
- 26
- 27 (d) Certifications required by SCC 30.65.230(1)(b).
- 28
- 29 (e) Records of all decisions regarding flood hazard area variances under chapter 30.43D
- 30 SCC.
- 31
- 32 (f) Improvement and damage calculations for residential and nonresidential structures
- 33 located in the special flood hazard area.
- 34
- 35 (g) Maintain for public inspection all records pertaining to the provisions of chapter
- 36 30.43C and this chapter which include:
- 37
- 38 (i) floodproofing certificates;
- 39
- 40 (ii) information on the elevation of the lowest floor for all new or substantially
- 41 improved structures;
- 42

(iii) whether new or substantially improved structures contain a basement; and

(iv) whether new or substantially improved structures are floodproofed and the elevation to which they are floodproofed.

(5) Whenever a riverine watercourse is to be altered or relocated:

(a) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a riverine watercourse, and submit evidence of such notification to the Federal Insurance Administrator; and

(b) Assure that the flood carrying capacity of the altered or relocated portion of said riverine watercourse is maintained.

Section 11. Snohomish County Code Section 30.65.100, last amended by Amended Ordinance 07-005 on February 21, 2007, is amended to read:

30.65.100 Floodproofing: use of available data.

(1) In all special flood hazard areas where base flood elevation data has been provided in accordance with SCC 30.65.040, or where the county can reasonably utilize base flood elevation data available from federal, state or other sources, the specific flood hazard protection standards of SCC 30.65.120 and SCC 30.65.230 shall be required.

(2) In all special flood hazard areas where base flood elevation data has not been provided, the County shall review all development proposals in accordance with SCC 30.65.110 general standards and SCC 30.65.120 specific standards and shall require compliance with the standards of said sections as necessary to assure that development will be reasonably safe from flooding. The test of reasonableness shall include use of historic data, high water marks, photographs of past flooding, etc., where available. New construction and substantial improvement of any residential or nonresidential structure in an Unnumbered A zone for which a base flood elevation is not available shall have the lowest floor, including basement, elevated a minimum of two feet above the highest adjacent grade.

(3) ~~((When))~~ In areas where base flood elevation data has been provided, when a regulatory floodway ((for a stream)) has not been designated, ((the county may require that applicants for)) no new construction ((and)) substantial improvements, or other development (including fill) shall be permitted within zone AE on the applicable FIRM, unless the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the jurisdiction of the county ((reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of

existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3(b)(3) and (4) and (C)(10) of the National Flood Insurance Program regulations)).

Section 12. Snohomish County Code Section 30.65.110, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.65.110 Floodproofing: general standards.

The following regulations shall apply in all special flood hazard areas.

(1) Anchoring ((and construction techniques)).

(a) All new construction and substantial improvements, including those related to mobile homes, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.((:))

(((i) anchored to prevent flotation, collapse or lateral movement of the structure;

(ii) constructed using materials and utility equipment resistant to flood damage; and

(iii) constructed using methods and practices that minimize flood damage.))

(b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement. ((Minimum anchoring requirements shall be those established by chapter 30.54A SCC.))
Anchoring methods may include use of over-the-top or frame ties to ground anchors.

(2) Construction materials and methods.

(a) All new construction and substantial improvements shall use materials and utility equipment resistant to flood damage;

(b) All new construction and substantial improvements shall use methods and practices that minimize flood damage; and

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

(3) Utilities.

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

(b) Water wells shall be located where they are not subject to ponding and are prohibited in the floodway, unless the well serves a farmhouse that is located on lands designated as agricultural lands of commercial significance under SCC 30.65.220(7)(e);

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

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

(4) Enclosed area below the lowest floor. If structures or mobile homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

~~((3))~~ (5) *Subdivision proposals.* All subdivision, short subdivision, binding site plan, planned residential development, or rural cluster subdivision proposals shall:

(a) Be consistent with the need to minimize flood damage;

(b) Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage or eliminate flood damage;

(c) Have adequate drainage provided to reduce exposure to flood damage; and

(d) Include the base flood elevation data.

~~((4))~~ (6) *Watercourse alterations.* The flood carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities and the State Department of Ecology, and submit evidence of such notification to FEMA of the proposed development.

Section 13. Snohomish County Code Section 30.65.120, last amended by Amended Ordinance 07-005 on February 21, 2007, is amended to read:

30.65.120 Floodproofing: specific standards.

In all special flood hazard areas where base elevation data has been provided as set forth in SCC 30.65.100, the following regulations shall apply, in addition to the general regulations of SCC 30.65.110:

(1) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are permanently affixed to a structure and which may be subject to floodwater damage shall be elevated a minimum of one foot above the base flood elevation or higher (unless within an approved watertight structure).

(2) Residential construction.

(a) ~~((New))~~ In AE and A1-30 zones or other A zoned areas, where the base flood elevation has been determined, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation . ((-except as provided in subsection (c) for residential accessory structures)) Mechanical equipment and utilities shall be waterproof or elevated at least one foot above base flood elevation.

(b) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in SCC 30.65.290.

(c) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in SCC 30.65.295.

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

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

(ii) the bottom of all openings shall be no higher than one foot above the interior and exterior lowest grades;

(iii) openings may be equipped with screens, louvers, or other coverings or devices only if they permit the automatic entry and exit of floodwaters((-)); and

(iv) a garage attached to a residential structure, that is constructed with the garage floor slab below the base flood elevation, shall be designed to allow the automatic entry and exit of floodwaters.

~~((c) New construction and substantial improvement of a residential accessory structure, including but not limited to storage buildings, detached garages, sheds, and small pole buildings, together with attendant utility and sanitary facilities may as an alternative to the provisions of SCC 30.65.120(1) and (2), be wet floodproofed in accordance with the following:~~

~~(i) The structure must have a low potential for structural flood damage and shall not exceed a maximum assessed value for the cost of construction of \$25,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees;~~

~~(ii) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;~~

~~(iii) Not be used for human habitation;~~

~~(iv) Include adequate hydrostatic flood openings;~~

~~(v) Use flood resistant materials below the base flood elevation;~~

~~(vi) Must offer minimum resistance to the flow of floodwater (must not be in the floodway);~~

~~(vii) Must be anchored to prevent flotation, collapse or lateral movement; and~~

~~(viii) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevation.~~

~~(d) Wet floodproofing will trigger higher flood insurance premiums.))~~

(3) *Nonresidential construction.* New construction and substantial ~~((improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; or, together~~

1 ~~with attendant utility and sanitary facilities, shall))~~ improvements of nonresidential structures
2 shall comply with either SCC 30.65.120(3)(a) or (b):

3
4 (a) Be elevated consistent with the following standards:

5
6 (i) In AE or unnumbered A zoned areas where the base flood elevation has been
7 determined, structures shall have the lowest floor, including basement, elevated
8 one foot or more above the base flood elevation, or elevated as required by ASCE
9 24, whichever is greater. Mechanical equipment and utilities shall be
10 waterproofed or elevated at least one foot above the base flood elevation, or as
11 required by ASCE 24, whichever is greater.

12
13 (ii) In AO zones, structures shall meet the requirements of SCC 30.65.290.

14
15 (iii) In V or VE zones, structures shall meet the requirements of SCC 30.65.295.

16
17 (iv) Fully enclosed areas below the lowest floor that are subject to flooding are
18 prohibited unless they are designed to automatically equalize hydrostatic flood
19 forces on exterior walls by allowing for the entry and exit of floodwaters and they
20 comply with SCC 30.65.110(4). Designs for meeting this requirement must either
21 be certified by a registered professional engineer or architect or must meet or
22 exceed the following minimum criteria:

23
24 (A) a minimum of two openings with a total net area of not less than one
25 square inch for every square foot of enclosed area subject to flooding;

26
27 (B) the bottom of all openings shall be no higher than one foot above
28 grade; and

29
30 (C) openings may be equipped with screens, louvers, valves, or other
31 coverings or devices provided that they permit the automatic entry and
32 exit of floodwaters.

33
34 (b) Be dry floodproofed so that below one foot or more above the base flood elevation
35 the structure is watertight with walls substantially impermeable to the passage of water or
36 dry floodproofed to the elevation required by ASCE 24, whichever is greater. The
37 following standards also apply:

38
39 (i) Structural components shall be capable of resisting hydrostatic and
40 hydrodynamic loads and effects of buoyancy; and

(ii) The structure shall be certified by a registered professional engineer or architect that the design and methods of construction meet accepted standards of practice and satisfy the provisions of SCC 30.65.120(3)(b) based on their development or review of the structural design, specifications, and plans. The certifications shall be provided to the floodplain administrator pursuant to SCC 30.65.130.

~~((a) Be floodproofed so that any portion of a structure below a minimum of one foot elevation above base flood level is watertight with walls substantially impermeable to the passage of water;~~

~~(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and~~

~~(c) Must also comply with SCC 30.65.120(2)(b).))~~

~~((4) Agricultural construction. New construction and substantial improvement of any agricultural structure except farmhouses and farmhouse mobile homes which are regulated by SCC 30.65.120(2) above shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; and meet the floodproofing requirements of SCC 30.65.120(3). In the alternative, new construction and substantial improvement of any agricultural structure shall, together with attendant utility and sanitary facilities:~~

~~(a) Have a low potential for structural flood damage; and shall not exceed a maximum assessed value for the cost of construction of \$65,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees; and~~

~~(b) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;~~

~~(c) Not be used for human habitation;~~

~~(d) Include adequate hydrostatic flood openings;~~

~~(e) Use flood resistant materials below the base flood elevations;~~

~~(f) Must offer minimum resistance to the flow of floodwater (i.e. must not be in the floodway);~~

~~(g) Must be anchored to prevent flotation, collapse or lateral movement;~~

1 ~~(h) Must have elevated all electrical, plumbing and heating equipment one foot above the~~
2 ~~base flood elevations; and~~

3
4 ~~(i) Be subject to higher flood insurance premiums associated with wet floodproofing.)~~

5
6 ~~((5))~~ (4) Mobile homes.

7
8 (a) ~~((Installation of mobile homes and substantial improvements to mobile homes))~~ All
9 mobile homes that are placed or substantially improved in special flood hazard areas shall
10 be elevated on a permanent foundation and shall be securely anchored to an adequately
11 anchored foundation system in accordance with SCC 30.65.110(1)(b) to resist flotation,
12 collapse and lateral movement, and shall have the lowest floor elevated a minimum of
13 one foot above the base flood elevation.

14
15 ~~((6))~~ (5) Critical facilities as defined in SCC 30.91C.360 shall have the lowest floor elevated to
16 three feet or more above the level of the base flood elevation at the site. Floodproofing and
17 sealing measures must be taken to ensure that toxic substances will not be displaced by or
18 released into flood waters. Access routes elevated to or above the level of the base flood plain
19 shall be provided to all critical facilities to the extent possible.

20
21 ~~((7))~~ (6) Recreational vehicles, when otherwise permitted by county code, shall

22
23 (a) Be on the site for fewer than 180 consecutive days; and

24
25 (b) Be fully licensed and ready for highway use, on ~~((its))~~ wheels or jacking system,
26 attached to the site only by quick disconnect type utilities and security devices, and have
27 no permanently attached additions; and

28
29 (c) Be limited in the floodways to day use only (dawn to dusk) during the flood season
30 (October 1 through March 30) with the following exceptions:

31
32 (i) Recreational vehicle use associated with a legally occupied dwelling to
33 accommodate overnight guests for no more than a 21-day period;

34
35 (ii) Temporary overnight use by farm workers on the farm where they are
36 employed subject to SCC 30.22.130(19)(a) and (b) above; and

37
38 (iii) Subject to SCC 30.22.120(7)(a) and (b), temporary overnight use in a mobile
39 home park which has been in existence continuously since 1970 or before, that
40 provides septic or sewer service, water and other utilities, and that has an RV
41 flood evacuation plan that has been approved and is on file with the Department

of Emergency Management and Department of Planning and Development Services.

~~((8))~~ (7) When fill is permitted to be used as an elevation/floodproofing technique, it shall be designed and installed so that it is properly compacted, sloped and armored to resist potential flood velocities, scouring and erosion during flooding.

~~((9))~~ (8) Flood hazard permits issued for wet floodproofing of any structure or for elevated structures having enclosures below the elevated structure that are wet floodproofed shall be subject to a standard permit condition prohibiting human habitation. The conditions shall be recorded on title on a form approved by the department.

Section 14. Snohomish County Code Section 30.65.125, last amended by Amended Ordinance 07-005 on February 21, 2007, is amended to read:

30.65.125 General standards for all crawlspace construction.

(1) Crawlspace may be used to elevate a building in a special flood hazard area to or above the base flood elevation if the space is designed to meet the following National Flood Insurance Program requirements, which apply to all crawlspaces that have enclosed areas or floors below the base flood elevation:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings discussed in SCC 30.65.125(b) below. Crawlspace construction is not recommended in areas where flood velocities exceed five feet per second, unless the design is reviewed and certified by a registered architect or professional engineer.

(b) The crawlspace is an enclosed area below the base flood elevation and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the lowest adjacent interior and exterior grade. Crawlspace construction is not permitted in FEMA coastal high hazard area designated V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones.

(c) Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevations. The recommended construction practice is to elevate the bottom of joists and all insulation above base flood elevation. Insulation is not

1 a flood-resistant material. When insulation becomes saturated with floodwater, the
2 additional weight often pulls it away from the joists and flooring. Ductwork or other
3 utility systems located below the insulation may also pull away from their supports.
4

5 (d) Any building utility systems including ductwork within the crawlspace must be
6 elevated above base flood elevation or designed so that floodwaters cannot enter or
7 accumulate within the system components during flood conditions. Ductwork must either
8 be placed one foot above the base flood elevation or sealed from floodwaters.
9

10 Section 15. Snohomish County Code Section 30.65.130, last amended by Amended
11 Ordinance 05-068 on September 7, 2005, is amended to read:
12

13 **30.65.130 Elevation and floodproofing certification.**
14

15 Certification shall be provided to verify that the minimum floodproofing and elevation standards
16 of SCC 30.65.110 and 30.65.120 flood hazard protection standards have been satisfied.
17 Certification shall be required only for the new construction or substantial improvement of any
18 residential, commercial, industrial or non-residential structure located in a special flood hazard
19 area, except that agricultural structures constructed in accordance with the wet floodproofing
20 standards of SCC 30.65.120 (4) (a), (b) and (c) shall not require certification. A completed
21 current FEMA elevation certificate (~~(form 81-31)~~) shall be required in accordance with National
22 Flood Insurance Program regulations and standards.
23

24 Section 16. Snohomish County Code Section 30.65.140, added by Amended Ordinance
25 02-064 on December 9, 2002, is amended to read:
26

27 **30.65.140 Certification form.**
28

29 The form of the elevation and floodproofing certificate shall be specified by the department and
30 shall be (~~(generally)~~) consistent with that required by FEMA for the administration of the
31 national flood insurance program.
32

33 Section 17. A new section is added to Snohomish County Code Chapter 30.65 to read:
34

35 **30.65.170 Livestock flood sanctuaries.**
36

37 Elevated areas for the purpose of creating a flood sanctuary for livestock in special flood hazard
38 areas are allowed on farms consistent with the following standards:
39

40 (1) The applicant must clearly demonstrate that a livestock flood sanctuary is necessary to
41 support the viability of the applicant's livestock operation;
42

(2) The maximum size of the livestock flood sanctuary shall not exceed 50 square feet per animal unit (1,000 lbs) plus the area created by adding a ramp 14 feet wide along two sides to be used for farm vehicle access. An additional area no greater than 25 percent of the calculated area will be allowed to accommodate future herd growth;

(3) Livestock flood sanctuaries shall be oriented to the flow and be constructed in a manner that does not impact flood elevations, impede flow, or cause significant adverse effects upstream or downstream;

(4) Structures are prohibited on livestock flood sanctuaries;

(5) Livestock flood sanctuaries shall be elevated to at least one foot above base flood elevation; and

(6) Livestock flood sanctuaries shall comply with all other applicable provisions in title 30 SCC.

Section 18. Snohomish County Code Section 30.65.220, last amended by Amended Ordinance 12-025 on June 6, 2012, is amended to read:

30.65.220 Floodways: permitted uses.

The following uses are allowed in the floodway when permitted by the applicable zone ((~~in accordance with~~)) 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 and will have a negligible effect upon the floodway ((~~in accordance with~~)) under the floodway encroachment provisions of SCC 30.65.230(1):

(1) Agriculture;

(2) Forestry, including processing of forest products with portable equipment;

(3) Preserves and reservations;

(4) Park and recreational activities;

(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 30.31D SCC and the county shoreline management program;

(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:

(a) All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;

(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;

(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;

(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 SCC 30.65.220(6)(c). 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 the waterway crossing, burial specifications shall be determined as in SCC 30.65.220(6)(d)((-)) ;

(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 infiltration of flood waters 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;

(h) The replacement farmhouse shall not exceed the total square footage of encroachment of the structure which it is replacing; and

(i) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse.

(8) Repairs, replacement, or relocation of substantially damaged residences in the floodway, other than farmhouses, are subject to the following:

(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).

(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:

(i) There is no potential building location for the replacement residential structure on the same property outside the regulatory floodway;

(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;

(iii) Repairs, reconstruction, or replacement do not result in an increase of 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 base flood elevation;

(v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system;

(vi) 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

(vii) 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.

~~((Replacement of single family dwellings, other than farmhouse replacement pursuant to SCC 30.65.220(7), when the flood depth, flood velocity, and flood-related erosion of the site is evaluated in order to identify a building location that offers the least risk of harm to life and property. A suitable building location for a replacement structure shall be approved for structures damaged by flooding or flood-related erosion only when the following are met:~~

~~(a) The State Department of Ecology, pursuant to RCW 86.16.041(4) and (5), assesses the risk of harm to life and property posed by the specific conditions of the floodway at any proposed building site, and based upon scientific analysis of depth, velocity, and flood-related erosion recommends to the county that a waiver to the floodway prohibition of RCW 86.16.041(2)(a) for repair, replacement or relocation of such structures is authorized for a specific building location.~~

~~(b) Repair, replacement or relocation of such structures is permitted only when authorization required pursuant to 30.65.220(8)(a) is given in writing by the state department of ecology pursuant to RCW 86.16.041(4) and (5).)~~

~~(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.))~~

~~((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 other installations in floodway locations, project design must incorporate floodproofing.

~~((11))~~ (10) Dikes, when the applicant can provide clear and convincing evidence that:

(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.

~~((12))~~ (11) Public works, limited to roads and bridges.

Section 19. Snohomish County Code Section 30.65.230, last amended by Amended Ordinance 07-005 on February 21, 2007, is amended to read:

30.65.230 Floodways: prohibited uses.

(1) The following uses/development are prohibited in the floodway:

(a) Any structure, including mobile homes designed for, or to be used for, human habitation of a permanent nature (including temporary dwellings authorized by SCC 30.22.130 except as provided by SCC 30.65.220(7)(~~7~~) and (8)(~~8~~ and (9))).

(b) All encroachments, including fill, new construction, and other development unless ~~((verification))~~ certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the ~~((effect of the subject))~~ proposed encroachment ~~((together with the cumulative effects of all similar potential encroachments shall not materially cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or))~~ will not result in any increase in flood levels during the occurrence of the base flood discharge.

(c) The construction or storage of any object subject to flotation or movement during flood level periods;

(d) The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway are specifically prohibited:

(i) ~~((the))~~ The filling of marshlands(~~(7)~~) ;

(ii) ~~((solid))~~ Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials(~~(7)~~) ;

(iii) ~~((damming))~~ Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge; and

(iv) ~~((critical))~~ Critical facilities as defined in this title.

(2) The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

Section 20. Snohomish County Code Section 30.65.240, last amended by Amended Ordinance 05-068 on September 7, 2005, is amended to read:

30.65.240 Density fringe area.

(1) SCC 30.65.240 through 30.65.285 provide specific criteria to be used in regulating development in areas of high flood damage potential where conventional floodway areas cannot be established. In order to foster the continued agricultural use of prime farmlands in these flood

1 plain areas, and maintain an acceptable level of flood hazard protection, the development criteria
2 outlined by this chapter shall apply to all development in the density fringe area. The
3 development criteria contained in SCC 30.65.250 and 30.65.255 shall be utilized to prevent a
4 cumulative increase in the base flood elevation of more than one foot.

5
6 (2) The density fringe area shall consist of the following:

7
8 (a) Areas designated on the ~~((Floor))~~ "Flood Insurance Study (FIS) for Snohomish County,
9 Washington and Incorporated Areas"~~((, and the Flood Insurance Rate Maps (FIRMS)* dated~~
10 September 16, 2005)) dated June 19, 2020, and ~~((as amended in paper or digital format))~~ the
11 Flood Insurance Rate Maps (FIRMS) dated June 19, 2020.

12
13 (b) Stillaguamish River special flood hazard area ~~((100-year flood plain))~~ (1% annual-
14 chance floodplain) located between the mouth of said river and river mile 11.1; also
15 corresponding to the Corps of Engineers study E-2-10-138 as modified by Snohomish
16 County, sheets 1 through 8 or FIRMS as amended in paper or digital format by FEMA.

17
18 Section 21. A new section is added to Snohomish County Code Chapter 30.65 to read:

19
20 **30.65.290 Shallow flooding areas: standards.**

21
22 Areas of shallow flooding appear on FIRMs as AO zones with depth designations. The base
23 flood depths in these zones range from one to three feet above ground where a clearly defined
24 channel does not exist, or where the path of flooding is unpredictable and where velocity flow
25 may be evident. Such flooding is usually characterized as sheet flow. In addition to other
26 applicable provisions in this code, the following provisions apply in AO zones:

27
28 (1) New construction and substantial improvements of residential structures and mobile homes
29 within AO zones shall have the lowest floor (including basement and mechanical equipment)
30 elevated above the highest adjacent grade to the structure, one foot or more above the depth
31 number specified in feet on the applicable FIRM (at least two feet above the highest adjacent
32 grade to the structure if no depth number is specified).

33
34 (2) New construction and substantial improvements of nonresidential structures within AO zones
35 shall either:

36
37 (a) Have the lowest floor (including basement) elevated above the highest adjacent grade of
38 the building site, one foot or more above the depth number specified on the FIRM (at least
39 two feet if no depth number is specified); or

40
41 (b) Together with attendant utility and sanitary facilities, be completely floodproofed to a
42 level above the highest adjacent grade that equals or exceeds the depth number specified on

the FIRM (at least two feet if no depth number is specified) plus one foot. Any space below that level must be watertight with walls substantially impermeable to the passage of water and have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Compliance shall be certified by a registered professional engineer or architect under SCC 30.65.130.

(3) Adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(4) Recreational vehicles placed on sites within AO zones on the applicable FIRM shall:

(a) Be on the site for fewer than 180 consecutive days; and

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

Section 22. A new section is added to Snohomish County Code Chapter 30.65 to read:

30.65.295 Coastal high hazard areas: standards.

Coastal high hazard areas are identified in the flood insurance study and depicted on the flood insurance rate maps that are adopted by SCC 30.65.040. These are areas of special flood hazard designated as zones V1-30, VE, and V. These areas have special flood hazards associated with high velocity waters from surges. In addition to other applicable provisions in this code, the following provisions shall apply in zones V1-30, VE, and V:

(1) All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the applicable FIRM shall meet the following standards:

(a) Be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is:

(i) For residential buildings, elevated one foot or more above the base flood level; or

(ii) For nonresidential buildings, elevated one foot or more above the base flood level or meet the elevation requirements of ASCE 24, whichever is higher.

(b) The pile or column foundation and the structure attached thereto must be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each

1 have a one percent chance of being equaled or exceeded in any given year (100-year mean
2 recurrence interval).

3
4 (c) A registered professional engineer or architect must develop or review the structural
5 design, specifications, and plans for the construction, and shall certify that the design and
6 methods of construction to be used are consistent with accepted standards of practice for
7 meeting the provisions of SCC 30.65.295(1)(a) and (b).

8
9 (2) The applicant shall provide the elevation (in relation to mean sea level) of the bottom of the
10 lowest structural member of the lowest floor (excluding pilings and columns) of all new and
11 substantially improved structures in zones V1-30, VE, and V on the applicable FIRM and
12 determine whether such structures contain a basement.

13
14 (3) All new construction within zones V1-30, VE, and V on the applicable FIRM shall be located
15 landward of the reach of mean high tide.

16
17 (4) All new construction and substantial improvements within zones V1-30, VE, and V on the
18 applicable FIRM shall have the space below the lowest floor either free of obstruction or
19 constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening
20 intended to collapse under wind and water loads without causing collapse, displacement, or other
21 structural damage to the elevated portion of the building or supporting foundation system. For
22 the purposes of this section:

23
24 (a) Breakaway walls shall be designed and constructed to have a safe loading resistance of
25 not less than ten and not more than twenty pounds per square foot; or

26
27 (b) Use of breakaway walls which exceed a design safe loading resistance of twenty pounds
28 per square foot (either by design or when so required by local or state codes) may be
29 permitted only when:

30
31 (i) A registered professional engineer or architect certifies that the proposed design meets
32 the following conditions:

33
34 (A) Breakaway wall collapse will result from a water load less than that which would
35 occur during the base flood; and

36
37 (B) The elevated portion of the building and supporting foundation system is not
38 subject to collapse, displacement, or other structural damage due to the effects of
39 wind and water loads acting simultaneously on all building components (structural
40 and non-structural). Maximum wind and water loading values to be used in this
41 determination shall each have a one percent chance of being equaled or exceeded in
42 any given year (100-year mean recurrence interval).

(ii) The enclosed space created by breakaway walls is useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

(5) The use of fill for structural support of buildings within zones V1-30, VE, and V on the applicable FIRM is prohibited.

(6) Man-made alteration of sand dunes within zones V1-30, VE, and V on the applicable FIRM which would increase potential flood damage is prohibited.

(7) All mobile homes to be placed or substantially improved on sites within zones V1-30, V, and VE on the applicable FIRM and that are located outside of a mobile home park or subdivision, in a new mobile home park or subdivision, in an expansion to an existing mobile home park or subdivision, or in an existing mobile home park or subdivision on which a mobile home has incurred "substantial damage" as the result of a flood shall meet the standards of SCC 30.65.295(1) through (6).

(8) All mobile homes to be placed or substantially improved on sites within zones V1-30, V, and VE on the applicable FIRM and that are located in an existing mobile home park or subdivision shall meet the requirements of SCC 30.65.110(1) and 30.65.120(4).

(9) Recreational vehicles placed on sites within V or VE zones on the applicable FIRM shall:

(a) Be on the site for fewer than 180 consecutive days; and

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

Section 23. A new section is added to Snohomish County Code Chapter 30.65 to read:

30.65.350 Enforcement.

The provisions of this chapter shall be enforced under chapter 30.85 SCC.

Section 24. A new section is added to Snohomish County Code Chapter 30.91A to read:

30.91A.151 Alteration of watercourse.

"Alteration of watercourse" means any action that will change the location of the channel occupied by the water within the banks of any portion of a riverine waterbody.

Section 25. A new section is added to Snohomish County Code Chapter 30.91A to read:

30.91A.268 Area of shallow flooding.

"Area of shallow flooding" means a designated zone AO, AH, AR/AO, or AR/AH (or VO) on a 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. Also referred to as the "sheet flow area."

Section 26. A new section is added to Snohomish County Code Chapter 30.91B to read:

30.91B.022 Base flood elevation.

"Base flood elevation" or "BFE" means the elevation to which floodwater is anticipated to rise during the base flood.

Section 27. A new section is added to Snohomish County Code Chapter 30.91B to read:

30.91B.152 Breakaway wall.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Section 28. A new section is added to Snohomish County Code Chapter 30.91C to read:

30.91C.130.1 Coastal high hazard area.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the Flood Insurance Rate Map (FIRM) as zone V1-30, VE, or V.

Section 29. Snohomish County Code Section 30.65D.250, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91D.250 Development in special flood hazard areas.

"Development in special flood hazard areas" means any ~~((manmade))~~ man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, ~~((dams, walls, wharves, embankments, levees, dikes, piles, bridges, improved roads, abutments,~~

projections, channel rectifications, conduits, culverts, wires, fences, rocks, gravel, refuse deposits,)) mining, dredging, filling, grading, paving, excavation or drilling operations, ((and works as defined in this subtitle)) and storage of equipment or materials within the area of special flood hazard.

This definition applies only to "Flood hazard" regulations in ((chapter)) chapters 30.43C, 30.43D, and 30.65 SCC.

Section 30. Snohomish County Code Section 30.91F.130, last amended by Amended Ordinance 05-068 on September 7, 2005, is amended to read:

30.91F.130 Farmhouse.

"Farmhouse" means a single-family dwelling((, including modular and mobile homes, constructed to building code standards placed on permanent concrete foundations, locating)) located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

This definition applies only to ((chapters)) the "Flood hazard" regulations in chapters 30.43C, 30.43D and 30.65 SCC.

Section 31. Snohomish County Code Section 30.91F.360, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91F.360 Flood or flooding.

"Flood or flooding" means either:

((a)) (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The ((the)) overflow of inland or tidal waters; ((or))

(b) The ((the)) unusual and rapid accumulation ((of)) or runoff of surface waters from any source; or ((-))

(c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in the overflow of inland or tidal waters.

Section 32. Snohomish County Code Section 30.91F.370, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91F.370 Flood hazard area, special.

"Flood hazard area, special" ("Special flood hazard area") means the land in the ~~((flood plain that is))~~ floodplain within a community 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, A1-30, AE, A99, or AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard." (See figure 30.91F.410 for illustration.)

Section 33. Snohomish County Code Section 30.91F.390, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91F.390 Flood insurance rate map.

"Flood insurance rate map" (FIRM) means the official map of a community, on which the federal insurance ~~((administration))~~ administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made digitally available is called a digital flood insurance rate map (DFIRM).

Section 34. Snohomish County Code Section 30.91F.400, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91F.400 Flood insurance study.

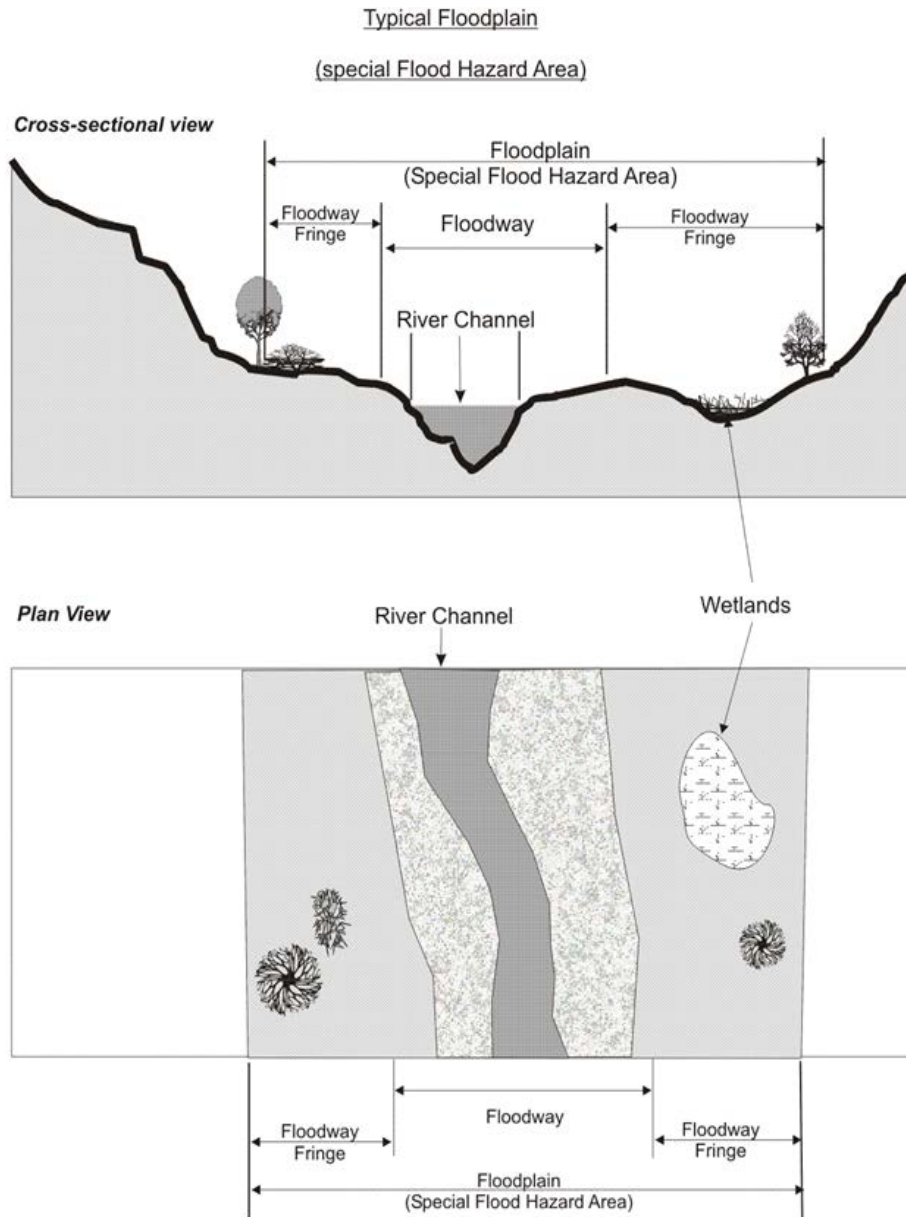
"Flood insurance study" means ~~((the official report provided by the federal insurance administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.))~~ an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazard. Also known as a "flood elevation study."

Section 35. Snohomish County Code Section 30.91F.410, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91F.410 Floodplain or flood-prone area.

"Floodplain" or "flood-prone area" means ~~((a land area adjoining a river, stream, watercourse, ocean, bay, or lake which is likely to be flooded. The extent of the floodplain may vary with the frequency of flooding being considered. The floodplain typically consists of the floodway and the floodway fringe.))~~ any land area susceptible to being inundated by water from any source.
(See figure 30.91F.410 for illustration.)

Figure 1 (SCC Figure 30.91F.410)



Section 36. A new section is added to Snohomish County Code Chapter 30.91F to read:

30.91F.418 Floodplain administrator.

"Floodplain administrator" means the community official designated to administer and enforce the flood hazard regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

Section 37. Snohomish County Code Section 30.91F.430, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91F.430 Floodway.

"Floodway" means the ~~((regular))~~ channel of a river~~((, stream,))~~ or other watercourse~~((, plus))~~ and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~((one foot))~~ a designated height. Also referred to as "regulatory floodway." (See figure 30.91F.410 for illustration).

Section 38. A new section is added to Snohomish County Code Chapter 30.91F to read:

30.91F.530 Functionally dependent use.

"Functionally dependent use" means docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

Section 39. A new section is added to Snohomish County Code Chapter 30.91H to read:

30.91H.109 Highest adjacent grade.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Section 40. A new section is added to Snohomish County Code Chapter 30.91H to read:

30.91H.118 Historic structure.

"Historic structure" means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a) By an approved state program as determined by the Secretary of the Interior, or

b) Directly by the Secretary of the Interior in states without approved programs.

This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

Section 41. Snohomish County Code Section 30.91L.220, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91L.220 Lowest floor.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, ~~((only when))~~ provided that such enclosure is not built ((consistent with)) so as to render the structure in violation of the applicable non-elevation design requirements of SCC 30.65.120(2)(b) (e.g., provided there are adequate flood ventilation openings).

Section 42. A new section is added to Snohomish County Code Chapter 30.91L to read:

30.91L.223 Lowest horizontal structural member.

"Lowest horizontal structural member" means the lowest beam, joist, or other horizontal member that supports an elevated building. Grade beams installed to support vertical foundation members are not considered lowest horizontal structural members.

Section 43. A new section is added to Snohomish County Code Chapter 30.91M to read:

30.91M.065 Mean sea level.

"Mean sea level" for purposes of the National Flood Insurance Program, means the vertical datum to which base flood elevations (BFE) shown on a flood insurance rate map (FIRM) are referenced.

Section 44. Snohomish County Code Section 30.91N.040, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91N.040 New construction.

"New construction" means structures for which the start of construction commenced on or after ~~((March 15, 1984))~~ the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

This definition applies only to "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

Section 45. A new section is added to Snohomish County Code Chapter 30.91R to read:

30.91R.025 Reasonably safe from flooding.

"Reasonably safe from flooding" means development that is designed and built such that it meets the standards of chapter 30.65 SCC and is protected from the base flood. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, "reasonably safe from flooding" means that the lowest floor is at least two feet above the highest adjacent grade as defined in SCC 30.91H.109.

Section 46. Snohomish County Code Section 30.91S.570, last amended by Amended Ordinance 05-068 on September 7, 2005, is amended to read:

30.91S.570 Start of construction.

"Start of construction" means the date a building permit was issued, ~~((for permanent construction of a structure or substantial improvement of a structure on a site))~~ provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or ~~((placement of other improvements))~~ other improvement was within 180 days of the permit issuance date. The actual start of construction means either the first placement of a permanent construction element of a structure on a site (including but not limited to, 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 mobile 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 ~~((basements))~~ 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.

This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

Section 47. Snohomish County Code Section 30.91S.750, last amended by Amended Ordinance 05-068 on September 7, 2005, is amended to read:

30.91S.750 Substantial improvement.

"Substantial improvement" means any ~~((repair,))~~ reconstruction, rehabilitation, addition, or other improvement of a structure ~~((which meets the following:)),~~ the cost of which equals or exceeds 50 percent of the structure's market value before the "start of construction." This term applies to structures which have incurred "substantial damage," regardless of the actual repair work performed. The total value of all improvements to an individual structure undertaken after March 15, 1984, shall be used in calculating the value of the improvements pursuant to this section. If at any time the cumulative value of all improvements to the same structure exceeds the 50 percent limit, a substantial improvement exists.

~~(((1) The cost of the repair, reconstruction, or improvement must equal or exceed 50 percent of the market value of the structure either:~~

~~(a) Before the improvement or repair is started, or~~

~~(b) Before the damage occurred for a structure that has been damaged and is being restored.))~~

~~(((2) For the purposes of this definition substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.))~~

~~(((3) The total value of all improvements to an individual structure undertaken subsequent to March 15, 1984, shall be used in calculating the value of the improvements pursuant to this section. If at any time the cumulative value of all improvements to the same structure exceeds the 50 percent limit, a substantial improvement exists.))~~

~~(((4) The))~~ This term does not include:

~~(((a)))~~ (1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which have been identified by the ~~((county or other agency with jurisdiction))~~ local code enforcement official and ~~((which))~~ that are the minimum necessary to assure safe living conditions; or

1 ((b)) (2) Any alteration of a historic structure, ~~((when))~~ provided that the alteration will not
2 preclude the structure's continued designation as a historic structure.

3
4 *This definition applies only to "Flood hazard" regulations in chapter 30.43C, 30.43D and 30.65*
5 *SCC.*

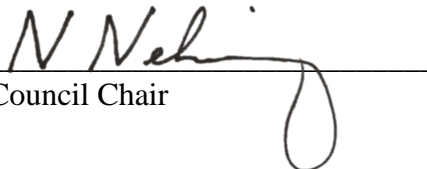
6
7 Section 48. Expiration. The interim official controls adopted by this ordinance shall
8 automatically expire and be deemed to have been repealed six months from the effective date of
9 this ordinance unless renewed or otherwise extended prior to such date as allowed under RCW
10 36.70A.390.

11
12 Section 49. Renewal. Under RCW 36.70A.390, this ordinance may be renewed for one
13 or more six-month periods if a subsequent public hearing is held and finding of facts are made
14 prior to each renewal.


15
16 Section 50. Severability and Savings. If any section, sentence, clause or phrase of this
17 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or
18 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
19 not affect the validity or constitutionality of any other section, sentence, clause or phrase of this
20 ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is
21 held to be invalid or unconstitutional by the Board or court of competent jurisdiction, then the
22 section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in
23 full force and effect for that individual section, sentence, clause or phrase as if this ordinance had
24 never been adopted.

25
26
27 PASSED this 27th day of May, 2020.

28
29
30 SNOHOMISH COUNTY COUNCIL
31 Snohomish County, Washington

32
33
34 
35 Council Chair

36 ATTEST:

37 
38
39
40 Clerk of the Council

41
42 D-2

1 (X) APPROVED

2

3 () EMERGENCY

4

5 () VETOED

DATE: 6/3/2020

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9



County Executive

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11 ATTEST:

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Melissa Geraghty

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Approved as to from only:

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J. K. 5/4/20

Deputy Prosecuting Attorney

D-2

Request for Code Amendment

This form shall be used to request an amendment to Title 30 of the Snohomish County Code.

Name of Code Amendment	Special Flood Hazard Areas Code Correction
Requested By	PDS Permitting
Date Requested	January 14, 2022
Please describe the nature of the problem that is driving a need for the code amendment.	SCC 30.65.220(9) was stricken from floodways: permitted uses within the recent update of Chapter 30.65 SCC (06-2020). As the code reads now, a single-family residence that exists in the floodway is not permitted to do any repair or improvement. This was not the intent of the 06-2020 code update, and this provision should be added back in.
What are the specific code sections proposed to be amended?	SCC 30.65.220
Is the proposal consistent with the GMA Comprehensive Plan? (Cite relevant policy or policies)	
Please provide any other information that you believe may be pertinent to this request. (Proposed code language, copies of code interpretations, court or administrative (including hearing examiner) decisions, Revised Code of Washington, Washington Administrative Code, etc.)	re insert a provision that reads, "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."

Flood Hazard Improvements

Index # - File Name: ADPB0C9 . tmp

Pivot Table of Residential Use Codes

Row Labels	Count of parcel
111 Single Family Residence - Detached	5094
112 2 Single Family Residences	193
113 3 Single Family Residences	8
114 4 Single Family Residences	11
115 5+ Single Family Residences	11
117 Manufactured Home (Leased Site)	19
118 Manufactured Home (Owned Site)	761
119 Manufactured Home (Mobile Home Park)	259
121 Two Family Residence convrtd from SFR (Duplex)	8
122 Two Family Residence (Duplex)	21
123 Three Family Residence (Tri-Plex)	6
124 Four Family Residence (Four Plex)	1
Grand Total	6392

SEPA NOTIFICATION



Notice is Hereby Given that SNOHOMISH COUNTY PLANNING AND DEVELOPMENT SERVICES (PDS) has issued a Determination of Non-significance (DNS) for a non-project action.

Description of Proposal: This is a non-project proposal to amend Snohomish County Code (SCC) Title 30 relating to a flood hazard areas code correction. This proposal would re-insert code relating to flood hazard areas that was stricken in error in 2020 via Ordinance 20-029. The stricken code allowed single-family residences 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 within floodways, which is beyond the intent of the original Ordinance. The draft proposed code would re-insert the stricken code while maintaining the intent of Ordinance 20-029 within Title 30 chapters, and compliance with the National Flood Insurance Program (NFIP).

Project Proponent: Snohomish County PDS. PDS determined that this non-project proposal will not have a probable significant adverse impact on the environment.

Date of Issuance: June 8, 2022

Contact: Hilary McGowan, Planner, (425) 388-5377, or Hilary.McGowan@snoco.org.

SEPA Comments Due: This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days from the issue date above. Comments must be submitted by 5:00 p.m., June 15, 2022, to the responsible official at the address listed on the DNS.

Additional information regarding the proposed legislation is available at the County's website at:

<https://snohomishcountywa.gov/1603/Environmental-SEPADocuments>