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Flood Insurance Study and Rate Maps Ordinance 20-029 (ECAF 20070287)

Hearing Date: May 27, 2020 @ 10:30 a.m.

Council Staff: Yorik Stevens-Wajda

PDS Staff: Mitchell Brouse

DPA: Justin Kasting

Click on exhibit number to view document

EXHIBIT	RECORD TYPE	TO	FROM/BY	DATE	DATE IN	DESCRIPTION	# OF PAGES
2.0 Planning Commission							
2.0003	Staff Report	Planning Commission	PDS Staff	02/18/20		Code Update for Digital Flood Insurance Rate Maps (Briefing)	11
3.1 ECAF and Materials							
3.1.1	Ordinance	Council	Executive		05/06/20	Introduced Ordinance	44
3.1.2	ECAF	Council	Executive/PDS	04/27/20	05/06/20	Transmitting Executive recommended Ordinance	2
3.1.3	Analysis	Council	PDS	05/01/20	05/06/20	Analysis of Building and Land Use Regulation Effects on Housing and Jobs	2
3.1.4	Analysis	Council	PDS	05/01/20	05/06/20	Capital Facility Development Cost Analysis Summary	1
3.1.5	Introduction	Council	Nate Nehring		05/07/20	Introduction Slip	1

EXHIBIT	RECORD TYPE	TO	FROM/BY	DATE	DATE IN	DESCRIPTION	# OF PAGES
3.2 Council Planning Committee Materials							
3.2.1	Staff Report	Council	Yorik Stevens-Wajda, Council Staff		03/13/20	Council Staff Report	2
3.3 Correspondence, Comments, Testimony							
3.4 Staff Reports and Submissions							
3.5 Public Participation							
3.6 Council Deliberations							

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Project Name Digital Flood Insurance Rate Maps

Part 1 - DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES				
Exhibit #	Record Type	Date	Received From	Exhibit Description
1.0001	Public Participation			Parties of Record
1.0002	Correspondence	10/24/2019	WA Department of Ecology, David Radabaugh	Community Assistance Visit Report
1.0003	Correspondence	12/19/2019	Federal Emergency Management Agency, Luis Rodri	Letter of Final Determination
1.0004	Correspondence	3/16/2020	Federal Emergency Management Agency, Rachel Se	90 Day Notification Letter
1.0005	Correspondence	2/19/2020		Letter to Ecology Outlining Project Schedule
1.0006	Staff Research	12/9/2019	WA Department of Ecology	Washington Model Flood Damage Prevention Ordinance
1.0007	Staff Research			Title 44, Chapter I, Part 60, Subpart A, Section 60.3 Federal Code
1.0008	Project Administration	1/27/2020		Project Approach, Organization, and Decision Making
1.0009	Project Administration	2/10/2020		Project Schedule
1.0010	Project Administration	1/27/2020		Project Scoping_Topic Overview
1.0011	Correspondence	4/1/2020		Request for Extension, Executive Somers to FEMA
1.0012	Correspondence	4/2/2020	Federal Emergency Management Agency, Roxanne	Review of Snohomish County Code_WA Model Ordinance
1.0013	Correspondence	4/2/2020	Federal Emergency Management Agency, Roxanne	Review of SCC 30.65
1.0014	Correspondence	4/2/2020	Federal Emergency Management Agency, Roxanne	Review of SCC 30.43C
1.0015	Staff Research			FEMA Policy: Floodplan Management Requirements for Agricultural and Accessory Structures
1.0016	Correspondence	4/13/2020	Federal Emergency Management Agency, Roxanne	Email response to Extension Request
1.0017	Correspondence	4/22/2020	Department of Commerce, Review Team	Acknowledgment Letter, Notice of Intent to Adopt Amendment
1.0018	Staff Research			Revised Code of Washington 86.16
1.0019	Staff Research			FEMA Floodplan Management Requirements, A Study Guide and Desk Reference for Local Officials
1.0020	Staff Research			https://www.fema.gov/national-flood-insurance-program-policy-index
1.0021	Staff Research	3/23/2020		Proclamation 20-25 - Stay Home - Stay Safe
1.0022	SEPA	4/30/2020		SEPA Notice to Herald
1.0023	SEPA	4/30/2020		SEPA Postcard
1.0024	SEPA	4/30/2020		SEPA DNS with Signature
1.0025	SEPA	4/30/2020		SEPA Checklist
1.0026	SEPA	4/30/2020		SEPA Distribution List
1.0027	Correspondence	5/6/2020	Department of Commerce, Review Team	Snohomish County - Expedited Review Request Granted for Submittal ID: 2020-S-1362

***Contact the Clerk of the Council for copies of Part 1 Exhibits 425-388-3494 or contact.council@snoco.org**

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Project Name		Digital Flood Insurance Rate Maps		
Part 2 - PLANNING COMMISSION				
Exhibit #	Record Type	Date	Received From	Exhibit Description
2.0001	Public Participation	2/25/2020	Planning Commission	Planning Commission Agenda (Briefing)
2.0002	Public Participation	2/25/2020	The Herald	Affidavit of Agenda publication in The Herald (Briefing)
2.0003	Legislative Documents	2/25/2020	PDS Staff	Staff Report (Briefing)
2.0004	Public Participation	2/25/2020	PDS Staff	Presentation (Briefing)
2.0005	Public Participation	2/25/2020	Planning Commission	Planning Commission Written Meeting Minutes (Briefing)
2.0006	Public Participation	2/25/2020	Planning Commission	Planning Commission Recording of Meeting (Briefing)
2.0007	Public Participation	3/17/2020	Planning Commission	Planning Commission Agenda (Hearing) - Cancelation

**Contact the Clerk of the Council for copies of Part 2 Exhibits 425-388-3494 or contact.council@snoco.org*

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Adopted:

Effective:

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 _____, 2020, the County Council held a public hearing
25 after proper notice, and considered public comment and the entire record related to the code
26 amendments 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

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

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

8
9 D. It is in the County's best interest to adopt these interim official controls as an emergency
10 action as allowed under SCC 30.73.090.

11
12 E. The interim official controls will promote the public's health, safety, and general welfare by
13 providing County residents with uninterrupted participation in the NFIP.

14
15 F. This ordinance will amend chapters 30.43C and 30.65 SCC and subtitle 30.9 SCC to update
16 regulations related to development in special flood hazard areas; such amendments are
17 necessary to maintain the County's eligibility to participate in the NFIP. In particular, the
18 amendments will:

- 19
20 1. Amend SCC 30.43C.020 to clarify that a flood hazard permit is required for any
21 development in a special flood hazard area as that phrase is defined in SCC 30.91D.250.
22
- 23 2. Amend SCC 30.43C.030 to require additional submittal requirements for proposals that
24 will alter the base flood elevation, the boundaries of a special flood hazard area, or both.
25
- 26 3. Add SCC 30.43C.220 stating that enforcement of chapter 30.43C SCC is accomplished
27 under the provisions of chapter 30.85 SCC.
28
- 29 4. Amend SCC 30.65.040 to adopt the FIS and FIRMs that will become effective on June
30 19, 2020.
31
- 32 5. Add SCC 30.65.060 to recognize that the provisions of chapter 30.65 SCC are not
33 intended to affect any existing easements, covenants, or deed restrictions and requiring
34 the imposition of the more stringent restrictions when chapter 30.65 SCC conflicts or
35 overlaps with any existing easements, covenants, or deed restrictions.
36
- 37 6. Amend chapter 30.65 SCC by adding new section SCC 30.65.070 to designate a
38 floodplain administrator and new section SCC 30.65.075 to assign duties and
39 responsibilities to the floodplain administrator.
40
- 41 7. Amend SCC 30.65.100 to prohibit construction, substantial improvements or
42 development within the AE zone unless an applicant demonstrates the cumulative effect

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

- 3
- 4 8. Amend SCC 30.65.110 and SCC 30.65.120 to update floodproofing standards for
5 consistency with general federal regulations.
6
- 7 9. Amend SCC 30.65.125 for consistency with federal regulations.
8
- 9 10. Amend SCC 30.65.130 to clarify that an elevation certificate, when required, shall use
10 the current version of the FEMA prepared form.
11
- 12 11. Amend SCC 30.65.140 to require the County’s floodproofing certificate be consistent
13 with that required by FEMA for the administration of the NFIP.
14
- 15 12. Amend chapter 30.65 SCC by adding new section SCC 30.65.170 recognizing that
16 livestock flood sanctuaries are allowed in certain instances in special flood hazard areas
17 and establishing standards for the use of livestock flood sanctuaries on agricultural land.
18
- 19 13. Amend SCC 30.65.220 to update regulations related to the repair or reconstruction of
20 non-farmhouse residences that are substantially damaged during a flood event. The
21 amendments are necessary to ensure the County’s regulations are consistent with federal
22 regulations.
23
- 24 14. Amend SCC 30.65.230 to prohibit proposed encroachments in a floodway unless an
25 applicant provides a certification from a relevant professional confirming the proposal
26 will not result in an increase of flood levels during a base flood.
27
- 28 15. Amend SCC 30.65.240 to recognize that the density fringe area includes those areas so
29 designated in the updated FIS and on the updated FIRMs.
30
- 31 16. Add a new section SCC 30.65.290 to adopt standards for development in shallow
32 flooding areas.
33
- 34 17. Add a new section SCC 30.65.295 to adopt standards for development in coastal high
35 hazard areas.
36
- 37 18. Add SCC 30.65.350 stating that enforcement of chapter 30.65 SCC is accomplished
38 under the provisions of chapter 30.85 SCC.
39
- 40 19. Amend chapters 30.91A, 30.91B, 30.91C, 30.91D, 30.91F, 30.91H, 30.91L, 30.91M,
41 30.91N, 30.91R, and 30.91S SCC to both update existing definitions and add new

1 required definitions related to special flood hazard areas to ensure consistency with NFIP
2 standards and maintain participation in the program.
3

4 G. In considering the proposed amendments, the County considered the goals of the Growth
5 Management Act (GMA), chapter 36.70A RCW. The proposed amendments are consistent
6 with:
7

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

11 The proposed amendments support GMA Goal 10 by placing restrictions on flood hazard
12 areas that are located on and adjacent to water bodies. Flood hazard regulations protect quality
13 of life by working to reduce damage to development as a result of flooding. Further, they
14 work to protect watercourses and other water bodies and water quality by placing restrictions
15 on development near these areas.
16

17 H. In considering the proposed amendments, the County considered the goals, objectives, and
18 policies of the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy
19 Plan (GPP). The proposed amendments will better achieve, comply with, and implement the
20 following goal, objective, and policies in the GPP:
21

22 Goal NE 3 – "Comply with the requirements of state, federal and local laws for
23 protecting and managing critical areas, shorelines, and water."
24

25 Objective NE 3.D - "Designate and protect frequently flooded areas pursuant to the
26 Growth Management Act."
27

28 NE Policy 3.D.3 – "The county should meet the requirements of the National Flood
29 Insurance Program."
30

31 NE Policy 3.D.4 – "The county should participate in the National Flood Insurance
32 Program Community Rating System (CRS)."
33

34 NE Policy 3.D.5 – "The county should incorporate new science and analysis of flood
35 hazards into its regulations and mapping as they become available, including accounting
36 for increases in future flood flows, sea level rise and tsunami risk."
37

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

1 of flood risk. Finally, adoption of updated maps and updated codes is required for
2 continued participation in the NFIP and CRS.
3

4 I. Procedural requirements.
5

- 6 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect
7 to this non-project action have been satisfied through the completion of an environmental
8 checklist and the issuance of a determination of non-significance on May 5, 2020.
9
- 10 2. The proposal adopts interim official controls pursuant to RCW 36.70A.390 and is an
11 emergency action under SCC 30.73.090 because the recent COVID-19 public health
12 emergency prevented the County from completing its normal legislative process for this
13 Type 3 legislative action in a manner that protects the health and safety of planning
14 commissioners, County staff, and the general public.
15
- 16 3. This proposal is an emergency action, and, as provided in SCC 30.73.040(2)(a), Planning
17 Commission review is not required.
18
- 19 4. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
20 transmitted to the Washington State Department of Commerce for distribution to state
21 agencies on April 22, 2020.
22
- 23 5. The public participation process used in the adoption of this ordinance complies with all
24 applicable requirements of the GMA and the SCC.
25
- 26 6. The Washington State Attorney General last issued an advisory memorandum, as required
27 by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum: Avoiding
28 Unconstitutional Takings of Private Property” to help local governments avoid the
29 unconstitutional taking of private property. The process outlined in the State Attorney
30 General’s 2018 advisory memorandum was used by the County in objectively evaluating
31 the regulatory changes proposed by this ordinance.
32

33 II. The proposed amendments are consistent with the record.
34

- 35 1. County residents and property owners can purchase affordable flood insurance that helps
36 offset the risk of flood damage because of the County’s participation in the NFIP.
37
- 38 2. As a condition of participation in the NFIP, the County is required to adopt FEMA-
39 published FIS and FIRMs and floodplain management regulations that are consistent with
40 NFIP standards.
41
42

- 1 3. The proposed Code amendments are necessary for continued compliance with the
2 requirements of the NFIP. The regulations that accompany the updated FIS and FIRMs
3 were developed based on the requirements found both in federal regulations and state law
4 as well as with guidance provided by the Department of Ecology.
5
- 6 4. The County’s new FIS and updated FIRMs will become effective on June 19, 2020.
7
- 8 5. Under 44 CFR § 60.2(a), to maintain active membership in the NFIP, the County is
9 required to adopt the updated study and maps and adopt amendments to the floodplain
10 development regulations no later than June 19, 2020.
11
- 12 6. The code amendments proposed by this ordinance will adopt the updated FIS and FIRMs
13 and make all changes to the Code required for continued participation in the NFIP.
14
- 15 7. In response to the COVID-19 public health emergency, Washington State Governor Jay
16 Inslee issued Proclamation 20-25, “Stay Home – Stay Healthy.” The proclamation
17 significantly impacted normal County governmental operations and prevented the
18 Planning Commission from considering these amendments during a public hearing.
19 Likewise, the Planning Commission was unable to provide the County Council with a
20 recommendation on the proposed changes with sufficient time for the County Council to
21 consider and approve this legislation prior to the federally-mandated June 19, 2020,
22 deadline.
23

24 Section 2. The County Council makes the following conclusions.

- 25
- 26 1. The proposed amendments are consistent with the goals, policies, and objectives of the
27 GPP.
28
- 29 2. The proposed amendments are consistent with NFIP standards, Washington State Law,
30 and the SCC.
31
- 32 3. The County has complied with all SEPA requirements with respect to this non-project
33 action.
34
- 35 4. The regulations proposed by this ordinance do not result in an unconstitutional taking of
36 private property for a public purpose.
37
- 38 5. Approval of this ordinance prior to June 19, 2020, is necessary to ensure continued flood
39 insurance coverage for Snohomish County residents. Governmental response to the
40 COVID-19 public health emergency prevented completion of the normal legislative
41 process, necessitating emergency action as allowed under SCC 30.73.090 and adopting
42 the required flood hazard regulations as interim official controls under RCW 36.70A.390.

1
2 Section 3. The County Council bases its findings and conclusions on the entire record of
3 the County Council, including all testimony and exhibits. Any finding which should be deemed a
4 conclusion, and any conclusion that should be a finding, is hereby adopted as such.
5

6 Section 4. Snohomish County Code Section 30.43C.020, last amended by Amended
7 Ordinance 07-005 on February 21, 2007, is amended to read:
8

9 **30.43C.020 Flood hazard permit.**

10
11 Prior to any development within a special flood hazard area as defined in SCC 30.91D.250, a
12 flood hazard permit shall be obtained. The department shall have the authority to approve,
13 approve with conditions, or deny a flood hazard permit using a Type 1 administrative decision.
14 The flood hazard permit is exempt from the notice provisions set forth in SCC 30.70.050 and
15 SCC 30.70.060(2) except that the notice shall be provided in compliance with 30.70.045(4)(d)
16 when applicable. If the permit is accompanied by a concurrent Type 2 application, the flood
17 hazard permit application may, at the applicant's request, be processed concurrently with the
18 Type 2 permit application. In order to be considered concurrent, the Type 2 application must be
19 submitted to the county at the same time as the flood hazard permit application.
20

21 Section 5. Snohomish County Code Section 30.43C.030, added by Amended Ordinance
22 02-064 on December 9, 2002, is amended to read:
23

24 **30.43C.030 Additional submittal requirements.**

25
26 All persons applying for a flood hazard permit shall make application to and shall meet the
27 submittal requirements established by the department pursuant to SCC 30.70.030. Additional
28 submittal requirements shall include the following:
29

- 30 (1) Name of the stream or body of water associated with the floodplain in which the
31 development is proposed;
32
33 (2) General location of the proposed development, including direction and distance from the
34 nearest town or intersection;
35
36 (3) Site plan map showing:
37
38 (a) Site boundaries;
39
40 (b) Location and dimensions of the proposed development or structure;
41
42 (c) Location and volume of any proposed fill material; and

1
2 (d) Location of existing structures;

3
4 (4) Topographic, engineering, and construction information necessary to evaluate the proposed
5 project that may be requested by the department through the preapplication process or during the
6 initial review for completeness of the application; ~~((and))~~

7
8 (5) Additional information when required pursuant to chapter 30.65 SCC~~((-))~~;

9
10 (6) If a project proposes to alter or relocate a riverine watercourse, the flood hazard permit
11 application shall include a description of the extent to which the riverine watercourse will be
12 altered or relocated; and

13
14 (7) If a project will alter the base flood elevation or the boundaries of the special flood hazard
15 area the flood hazard permit application shall include:

16
17 (a) Engineering documentation and analysis developed by a registered qualified
18 professional engineer regarding the proposed change; and

19
20 (b) If required the Federal Emergency Management Agency, a letter of map change from
21 that agency. If a letter of map change is required, the applicant must receive approval of a
22 conditional letter of map revision from the Federal Emergency Management Agency
23 before the flood hazard permit may be approved. The application for the flood hazard
24 permit shall include the complete conditional letter of map revision application package.

25
26 Section 6. A new section is added to Snohomish County Code Chapter 30.43C to read:

27
28 **30.43C.220 Enforcement.**

29
30 The provisions of this chapter shall be enforced under chapter 30.85 SCC.

31
32 Section 7. Snohomish County Code Section 30.65.040, last amended by Amended
33 Ordinance 05-068 on September 7, 2005, is amended to read:

34
35 **30.65.040 Special flood hazard areas established.**

36
37 (1) The special flood hazard areas ~~((designated by the federal emergency management agency))~~
38 identified by the Federal Insurance Administrator in a scientific and engineering report entitled
39 "the ~~((flood insurance study))~~ Flood Insurance Study (FIS) for ~~((unincorporated))~~ Snohomish
40 County, Washington, and Incorporated Areas," dated June 19, 2020, ~~((September 16, 2005,~~
41 and)) with ~~((the flood insurance rate maps (FIRMS)* for Snohomish County, Washington and~~
42 incorporated areas revised September 16, 2005, or as amended* and issued by FEMA on paper

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

6
7 (2) When base flood elevation for A and V zones has not been provided under SCC
8 30.65.040(1), the best available information for flood hazard area identification described in
9 SCC 30.65.075(3) shall be the basis for regulation in those zones.

10
11 Section 8. A new section is added to Snohomish County Code Chapter 30.65 to read:

12
13 **30.65.060 Existing easements, covenants, and deed restrictions.**

14
15 This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or
16 deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed
17 restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

18
19 Section 9. A new section is added to Snohomish County Code Chapter 30.65 to read:

20
21 **30.65.070 Designation of the floodplain administrator.**

22
23 The director is designated the floodplain administrator and shall administer, implement, and
24 enforce chapter 30.65 SCC by granting or denying flood hazard permits under chapter 30.43C
25 SCC consistent with applicable regulations. The floodplain administrator may delegate authority
26 to implement chapters 30.43C and 30.65 SCC.

27
28 Section 10. A new section is added to Snohomish County Code Chapter 30.65 to read:

29
30 **30.65.075 Duties and responsibilities of the floodplain administrator.**

31
32 The duties of the floodplain administrator shall include:

33
34 (1) Review all permits for development regulated by this chapter to determine that:

35
36 (a) The requirements of chapter 30.43C and 30.65 SCC have been satisfied;

37
38 (b) All other required state and federal permits have been obtained; and

39
40 (c) The proposed development is not located in the floodway. If the development is
41 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

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

2
3 (iv) whether new or substantially improved structures are floodproofed and the
4 elevation to which they are floodproofed.

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

7
8 (a) Notify adjacent communities and the Department of Ecology prior to such alteration
9 or relocation of a riverine watercourse, and submit evidence of such notification to the
10 Federal Insurance Administrator; and

11
12 (b) Assure that the flood carrying capacity of the altered or relocated portion of said
13 riverine watercourse is maintained.

14
15 Section 11. Snohomish County Code Section 30.65.100, last amended by Amended
16 Ordinance 07-005 on February 21, 2007, is amended to read:

17
18 **30.65.100 Floodproofing: use of available data.**

19
20 (1) In all special flood hazard areas where base flood elevation data has been provided in
21 accordance with SCC 30.65.040, or where the county can reasonably utilize base flood elevation
22 data available from federal, state or other sources, the specific flood hazard protection standards
23 of SCC 30.65.120 and SCC 30.65.230 shall be required.

24
25 (2) In all special flood hazard areas where base flood elevation data has not been provided, the
26 County shall review all development proposals in accordance with SCC 30.65.110 general
27 standards and SCC 30.65.120 specific standards and shall require compliance with the standards
28 of said sections as necessary to assure that development will be reasonably safe from flooding.
29 The test of reasonableness shall include use of historic data, high water marks, photographs of
30 past flooding, etc., where available. New construction and substantial improvement of any
31 residential or nonresidential structure in an Unnumbered A zone for which a base flood elevation
32 is not available shall have the lowest floor, including basement, elevated a minimum of two feet
33 above the highest adjacent grade.

34
35 (3) ~~((When))~~ In areas where base flood elevation data has been provided, when a regulatory
36 floodway ((for a stream)) has not been designated, ((the county may require that applicants for))
37 no new construction ((and)), substantial improvements, or other development (including fill)
38 shall be permitted within zone AE on the applicable FIRM, unless the applicant demonstrates
39 that the cumulative effect of the proposed development, when combined with all other existing
40 and anticipated development, will not increase the water surface elevation of the base flood more
41 than one foot at any point within the jurisdiction of the county ((reasonably utilize the best
42 available information from a federal, state, or other source to consider the cumulative effect of

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

6
7 Section 12. Snohomish County Code Section 30.65.110, added by Amended Ordinance
8 02-064 on December 9, 2002, is amended to read:

9
10 **30.65.110 Floodproofing: general standards.**

11
12 The following regulations shall apply in all special flood hazard areas.

13
14 (1) *Anchoring* (~~and construction techniques~~)).

15
16 (a) All new construction and substantial improvements, including those related to mobile
17 homes, shall be anchored to prevent flotation, collapse or lateral movement of the
18 structure resulting from hydrodynamic and hydrostatic loads, including the effects of
19 buoyancy.(:))

20
21 ~~((i) anchored to prevent flotation, collapse or lateral movement of the structure;~~

22
23 ~~((ii) constructed using materials and utility equipment resistant to flood damage;~~
24 ~~and~~

25
26 ~~((iii) constructed using methods and practices that minimize flood damage.))~~

27
28 (b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement.
29 ~~((Minimum anchoring requirements shall be those established by chapter 30.54A SCC.))~~
30 Anchoring methods may include use of over-the-top or frame ties to ground anchors.

31
32 (2) *Construction materials and methods.*

33
34 (a) All new construction and substantial improvements shall use materials and utility
35 equipment resistant to flood damage;

36
37 (b) All new construction and substantial improvements shall use methods and practices
38 that minimize flood damage; and

39
40 (c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other
41 service facilities shall be designed and elevated or located so as to prevent water from
42 entering or accumulating within the components during conditions of flooding.

1
2 (3) Utilities.
3

4 (a) All new and replacement water supply systems shall be designed to minimize or
5 eliminate infiltration of flood waters into the system;
6

7 (b) Water wells shall be located where they are not subject to ponding and are prohibited
8 in the floodway, unless the well serves a farmhouse that is located on lands designated as
9 agricultural lands of commercial significance under SCC 30.65.220(7)(e);
10

11 (c) New and replacement sanitary sewage systems shall be designed to minimize or
12 eliminate infiltration of flood waters into the systems and discharge from the systems into
13 flood waters; and
14

15 ~~((e))~~ (d) On-site waste disposal systems shall be located to avoid impairment to them or
16 contamination from them during flooding.
17

18 (4) Enclosed area below the lowest floor. If structures or mobile homes are constructed or
19 substantially improved with fully enclosed areas below the lowest floor, the areas shall be used
20 solely for parking of vehicles, building access, or storage.
21

22
23 ~~((3))~~ (5) *Subdivision proposals.* All subdivision, short subdivision, binding site plan, planned
24 residential development, or rural cluster subdivision proposals shall:
25

26 (a) Be consistent with the need to minimize flood damage;
27

28 (b) Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and
29 water systems located and constructed to minimize flood damage or eliminate flood
30 damage;
31

32 (c) Have adequate drainage provided to reduce exposure to flood damage; and
33

34 (d) Include the base flood elevation data.
35

36 ~~((4))~~ (6) *Watercourse alterations.* The flood carrying capacity within altered or relocated
37 portions of any watercourse shall be maintained. Prior to the approval of any alteration or
38 relocation of a watercourse in riverine situations, the department shall notify adjacent
39 communities and the State Department of Ecology, and submit evidence of such notification to
40 FEMA of the proposed development.
41

1 Section 13. Snohomish County Code Section 30.65.120, last amended by Amended
2 Ordinance 07-005 on February 21, 2007, is amended to read:

3
4 **30.65.120 Floodproofing: specific standards.**

5
6 In all special flood hazard areas where base elevation data has been provided as set forth in SCC
7 30.65.100, the following regulations shall apply, in addition to the general regulations of SCC
8 30.65.110:

9
10 (1) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other
11 service facilities that are permanently affixed to a structure and which may be subject to
12 floodwater damage shall be elevated a minimum of one foot above the base flood elevation or
13 higher (unless within an approved watertight structure).

14
15 (2) Residential construction.

16
17 (a) ~~((New))~~ In AE and A1-30 zones or other A zoned areas, where the base flood
18 elevation has been determined, new construction and substantial improvement of any
19 residential structure shall have the lowest floor, including basement, elevated a minimum
20 of one foot above the base flood elevation . ~~((except as provided in subsection (e) for~~
21 residential accessory structures)) Mechanical equipment and utilities shall be waterproof
22 or elevated at least one foot above base flood elevation.

23
24 (b) New construction and substantial improvement of any residential structure in an AO
25 zone shall meet the requirements in SCC 30.65.290.

26
27 (c) New construction and substantial improvement of any residential structure in a V, V1-
28 30, or VE zone shall meet the requirements in SCC 30.65.295.

29
30 (d) Fully enclosed areas below the lowest floor that are subject to flooding are
31 prohibited, or shall be designed to automatically equalize hydrostatic flood forces on
32 exterior walls by allowing for the entry and exit of floodwaters ~~((except as provided in~~
33 ~~subsection (e) for residential accessory structures)). Designs for meeting this requirement~~
34 must either be certified by a registered professional engineer or architect or must meet or
35 exceed the following minimum criteria:

36
37 (i) a minimum of two openings having a total net area of not less than one square
38 inch for every square foot of enclosed area subject to flooding shall be provided;

39
40 (ii) the bottom of all openings shall be no higher than one foot above the interior
41 and exterior lowest grades;

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

3
4 (iv) a garage attached to a residential structure, that is constructed with the garage
5 floor slab below the base flood elevation, shall be designed to allow the automatic
6 entry and exit of floodwaters.
7

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

13
14 ~~(i) The structure must have a low potential for structural flood damage and shall~~
15 ~~not exceed a maximum assessed value for the cost of construction of \$25,000.~~
16 ~~The market value of construction shall be determined by the department in~~
17 ~~accordance with the valuation procedure utilized in conjunction with the setting of~~
18 ~~building permit fees;~~

19
20 ~~(ii) Be designed and oriented to allow the free passage of floodwaters through the~~
21 ~~structure in a manner affording minimum flood damage;~~

22
23 ~~(iii) Not be used for human habitation;~~

24
25 ~~(iv) Include adequate hydrostatic flood openings;~~

26
27 ~~(v) Use flood resistant materials below the base flood elevation;~~

28
29 ~~(vi) Must offer minimum resistance to the flow of floodwater (must not be in the~~
30 ~~floodway);~~

31
32 ~~(vii) Must be anchored to prevent flotation, collapse or lateral movement; and~~

33
34 ~~(viii) Must have elevated all electrical, plumbing and heating equipment one foot~~
35 ~~above the base flood elevation.~~

36
37 ~~(d) Wet floodproofing will trigger higher flood insurance premiums.))~~

38
39 (3) *Nonresidential construction.* ~~New construction and substantial ((improvement of any~~
40 ~~commercial, industrial or other nonresidential structure shall either have the lowest floor,~~
41 ~~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

1 (ii) The structure shall be certified by a registered professional engineer or
2 architect that the design and methods of construction meet accepted standards of
3 practice and satisfy the provisions of SCC 30.65.120(3)(b) based on their
4 development or review of the structural design, specifications, and plans. The
5 certifications shall be provided to the floodplain administrator pursuant to SCC
6 30.65.130.

7
8 ~~((a) Be floodproofed so that any portion of a structure below a minimum of one foot~~
9 ~~elevation above base flood level is watertight with walls substantially impermeable to the~~
10 ~~passage of water;~~

11
12 ~~(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads~~
13 ~~and effects of buoyancy; and~~

14
15 ~~(c) Must also comply with SCC 30.65.120(2)(b).))~~

16
17 ~~((4) Agricultural construction. New construction and substantial improvement of any~~
18 ~~agricultural structure except farmhouses and farmhouse mobile homes which are regulated by~~
19 ~~SCC 30.65.120(2) above shall have the lowest floor, including basement, elevated a minimum of~~
20 ~~one foot above the base flood elevation; and meet the floodproofing requirements of SCC~~
21 ~~30.65.120(3). In the alternative, new construction and substantial improvement of any~~
22 ~~agricultural structure shall, together with attendant utility and sanitary facilities:~~

23
24 ~~(a) Have a low potential for structural flood damage; and shall not exceed a maximum~~
25 ~~assessed value for the cost of construction of \$65,000. The market value of construction~~
26 ~~shall be determined by the department in accordance with the valuation procedure~~
27 ~~utilized in conjunction with the setting of building permit fees; and~~

28
29 ~~(b) Be designed and oriented to allow the free passage of floodwaters through the~~
30 ~~structure in a manner affording minimum flood damage;~~

31
32 ~~(c) Not be used for human habitation;~~

33
34 ~~(d) Include adequate hydrostatic flood openings;~~

35
36 ~~(e) Use flood resistant materials below the base flood elevations;~~

37
38 ~~(f) Must offer minimum resistance to the flow of floodwater (i.e. must not be in the~~
39 ~~floodway);~~

40
41 ~~(g) Must be anchored to prevent flotation, collapse or lateral movement;~~
42

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

1 of Emergency Management and Department of Planning and Development
2 Services.
3

4 ~~((8))~~ (7) When fill is permitted to be used as an elevation/floodproofing technique, it shall be
5 designed and installed so that it is properly compacted, sloped and armored to resist potential
6 flood velocities, scouring and erosion during flooding.
7

8 ~~((9))~~ (8) Flood hazard permits issued for wet floodproofing of any structure or for elevated
9 structures having enclosures below the elevated structure that are wet floodproofed shall be
10 subject to a standard permit condition prohibiting human habitation. The conditions shall be
11 recorded on title on a form approved by the department.
12

13 Section 14. Snohomish County Code Section 30.65.125, last amended by Amended
14 Ordinance 07-005 on February 21, 2007, is amended to read:
15

16 **30.65.125 General standards for all crawlspace construction.**
17

18 (1) Crawlspace may be used to elevate a building in a special flood hazard area to or above the
19 base flood elevation if the space is designed to meet the following National Flood Insurance
20 Program requirements, which apply to all crawlspaces that have enclosed areas or floors below
21 the base flood elevation:
22

23 (a) The building must be designed and adequately anchored to resist flotation, collapse,
24 and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads,
25 including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can
26 usually be addressed through the required openings discussed in SCC 30.65.125(b)
27 below. Crawlspace construction is not recommended in areas where flood velocities
28 exceed five feet per second, unless the design is reviewed and certified by a registered
29 architect or professional engineer.
30

31 (b) The crawlspace is an enclosed area below the base flood elevation and, as such, must
32 have openings that equalize hydrostatic pressures by allowing for the automatic entry and
33 exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot
34 above the lowest adjacent interior and exterior grade. Crawlspace construction is not
35 permitted in FEMA coastal high hazard area designated V zones. Open pile or column
36 foundations that withstand storm surge and wave forces are required in V zones.
37

38 (c) Portions of the building below the base flood elevation must be constructed with
39 materials resistant to flood damage. This includes not only the foundation walls of the
40 crawlspace used to elevate the building, but also any joists, insulation, or other materials
41 that extend below the base flood elevations. The recommended construction practice is to
42 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

1 (2) The maximum size of the livestock flood sanctuary shall not exceed 50 square feet per animal
2 unit (1,000 lbs) plus the area created by adding a ramp 14 feet wide along two sides to be used
3 for farm vehicle access. An additional area no greater than 25 percent of the calculated area will
4 be allowed to accommodate future herd growth;

5
6 (3) Livestock flood sanctuaries shall be oriented to the flow and be constructed in a manner that
7 does not impact flood elevations, impede flow, or cause significant adverse effects upstream or
8 downstream;

9
10 (4) Structures are prohibited on livestock flood sanctuaries;

11
12 (5) Livestock flood sanctuaries shall be elevated to at least one foot above base flood elevation;
13 and

14
15 (6) Livestock flood sanctuaries shall comply with all other applicable provisions in title 30 SCC.

16
17 Section 18. Snohomish County Code Section 30.65.220, last amended by Amended
18 Ordinance 12-025 on June 6, 2012, is amended to read:

19
20 **30.65.220 Floodways: permitted uses.**

21
22 The following uses are allowed in the floodway when permitted by the applicable zone (~~in~~
23 ~~accordance with~~) under chapter 30.22 SCC, provided the use is in compliance with the
24 applicable general and specific floodproofing standards of SCC 30.65.110 and 30.65.120, and
25 other applicable provisions of this chapter and will have a negligible effect upon the floodway
26 (~~in accordance with~~) under the floodway encroachment provisions of SCC 30.65.230(1):

27
28 (1) Agriculture;

29
30 (2) Forestry, including processing of forest products with portable equipment;

31
32 (3) Preserves and reservations;

33
34 (4) Park and recreational activities;

35
36 (5) Removal of rock, sand and gravel, when the applicant can provide clear and convincing
37 evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or
38 amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream
39 flood hazard areas, or in any other way threaten public or private properties. When allowed, such
40 removal shall comply with the provisions of chapter 30.31D SCC and the county shoreline
41 management program;

1 (6) Utility transmission lines when allowed in underlying zones unless otherwise prohibited by
2 this chapter. When the primary purpose of such a transmission line is to transfer bulk products or
3 energy through a floodway en route to another destination, as opposed to serving customers
4 within a floodway, such transmission lines shall conform to the following:

5
6 (a) All utility transmission lines shall cross floodways by the most direct route feasible
7 as opposed to paralleling floodways;

8
9 (b) Electric transmission lines shall span the floodway with support towers located in
10 flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive
11 width, support towers shall be located to avoid high flood water velocity and/or depth
12 areas, and shall be adequately floodproofed;

13
14 (c) Buried utility transmission lines transporting hazardous materials, including but not
15 limited to crude and refined petroleum products and natural gas, shall be buried a
16 minimum of four feet below the maximum established scour of the waterway, as
17 calculated on the basis of hydrologic analyses. Such burial depth shall be maintained
18 horizontally within the hydraulic floodway to the maximum extent of potential channel
19 migration as determined by hydrologic analyses. In the event potential channel migration
20 extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and
21 special flood hazard areas shall also govern placement. All hydrologic analyses are
22 subject to acceptance by the county, shall assume the conditions of a 100-year frequency
23 flood as verified by the U.S. Army Corps of Engineers, and shall include on-site
24 investigations and consideration of historical meander characteristics in addition to other
25 pertinent facts and data. The use of riprap as a meander containment mechanism within
26 the hydraulic floodway shall be consistent with the county shoreline management
27 program;

28
29 (d) Buried utility transmission lines transporting non-hazardous materials including
30 water and sewage shall be buried a minimum of four feet below the maximum established
31 scour of the waterway as calculated on the basis of hydrologic analyses. Such burial
32 depth shall be maintained horizontally within the hydraulic floodway to the maximum
33 extent of potential channel migration as determined by hydrologic analyses. All
34 hydrologic analyses shall conform to requirements in SCC 30.65.220(6)(c). The use of
35 riprap as a meander containment mechanism within the hydraulic floodway shall be
36 consistent with the county shoreline management program;

37
38 (e) Beyond the maximum extent of potential channel migration, utility transmission lines
39 transporting hazardous and non-hazardous materials shall be buried below existing
40 natural and artificial drainage features. Burial depth in all agricultural areas requiring or
41 potentially requiring subsurface drainage shall be a minimum of six feet as measured
42 from ground surface to the top of the transmission line, or at other such depth as deemed

1 necessary by on-site investigations performed by a qualified soils expert familiar with
2 county soils. Burial depth in all other agricultural and non-agricultural floodway areas
3 shall be determined on the basis of accepted engineering practice and in consideration of
4 soil conditions and the need to avoid conflict with agricultural tillage;

5
6 (f) All buried utility transmission lines shall achieve sufficient negative buoyancy so that
7 any potential for flotation or upward migration is eliminated;

8
9 (g) Above ground utility transmission lines, not including electric transmission lines,
10 shall only be allowed for the transportation of non-hazardous materials where an existing
11 or new bridge or other structure is available and capable of supporting the line. When
12 located on existing or new bridges or other structures with elevations below the level of
13 the 100-year flood, the transmission line shall be placed on the down-stream side and
14 protected from flood debris. In such instances, site specific conditions and flood damage
15 potential shall dictate placement, design and protection throughout the floodway.
16 Applicants must demonstrate that such above ground lines will have no appreciable effect
17 upon flood depth, velocity or passage, and shall be adequately protected from flood
18 damage. If the transmission line is to be buried except at the waterway crossing, burial
19 specifications shall be determined as in SCC 30.65.220(6)(d)((-)) ;
20

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

26
27 (i) Above ground utility transmission line appurtenant structures including valves,
28 pumping stations, or other control facilities shall not be permitted in the floodway; and

29
30 (j) Where a floodway has not been determined by preliminary Corps of Engineers'
31 investigations or official designation, a floodway shall be defined by qualified
32 engineering work by the applicant on the basis of a verified 100-year flood event((;-)) .
33

34 (7) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures
35 which are located on lands designated as agricultural lands of long-term commercial significance
36 under RCW 36.70A.170, subject to the following:

37 (a) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

38 (b) There is no potential building site for a replacement farmhouse on the same farm
39 outside the designated floodway;

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

3
4 (d) For substantial improvements, and replacement farmhouses, the elevation of the
5 lowest floor of the improvement and farmhouse respectively, including basement, is one
6 foot higher than the base flood elevation;

7
8 (e) New and replacement water supply systems, are designed to eliminate or minimize
9 infiltration of flood waters into the system;

10
11 (f) New and replacement sanitary sewerage systems are designed and located to
12 eliminate or minimize infiltration of flood waters into the system and discharge from the
13 system into the flood waters;

14
15 (g) All other utilities and connections to public utilities are designed, constructed, and
16 located to eliminate or minimize flood damage;

17
18 (h) The replacement farmhouse shall not exceed the total square footage of
19 encroachment of the structure which it is replacing;((-)) and

20
21 (i) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total
22 square footage of encroachment of the existing farmhouse.

23
24 (8) Repairs, replacement, or relocation of substantially damaged residences in the floodway,
25 other than farmhouses, are subject to the following:

26
27 (a) When residences other than farmhouses are substantially damaged in the floodway,
28 the floodplain administrator may make a written request to the Department of Ecology
29 under RCW 86.16.041(4) to assess the risk of harm to life and property posed by the
30 specific conditions of the floodway. Based on analysis of depth, velocity, flood-related
31 erosion, channel migration, debris load potential, and flood warning capability, the
32 Department of Ecology may exercise best professional judgment in recommending to the
33 floodplain administrator authority to permit repair, replacement, or relocation of the
34 substantially damaged structure. The property owner shall submit any information
35 necessary to complete the assessment to the county and the Department of Ecology.
36 Without a favorable recommendation from the Department of Ecology for the repair or
37 replacement of a substantially damaged residential structure located in the regulatory
38 floodway, no repair or replacement is allowed under WAC 173-158-076(1).

39
40 (b) Before the repair, replacement, or relocation is started, all applicable requirements of
41 the National Flood Insurance Program, chapter 86.16 RCW, chapter 30.43C SCC, and
42 this chapter must be satisfied. In addition, the following conditions must be met:

1
2 (i) There is no potential building location for the replacement residential structure
3 on the same property outside the regulatory floodway;

4
5 (ii) The replacement residential structure is equivalent in use and size to the
6 substantially damaged residential structure;

7
8 (iii) The structure being repaired, replaced, or reconstructed was legally
9 constructed;

10
11 (iii) Repairs, reconstruction, or replacement do not result in an increase of the
12 total square footage of floodway encroachment;

13
14 (iv) The elevation of the lowest floor of the substantially damaged or replacement
15 residential structure is a minimum of one foot higher than the base flood
16 elevation;

17
18 (v) New and replacement water supply systems are designed to eliminate or
19 minimize infiltration of floodwater into the system;

20
21 (vi) New and replacement sanitary sewerage systems are designed and located to
22 eliminate or minimize infiltration of floodwater into the system and discharge
23 from the system into the floodwaters; and

24
25 (vii) All other utilities and connections to public utilities are elevated a minimum
26 of one foot above the base flood elevation and are designed, constructed, and
27 located to eliminate or minimize flood damage.

28
29 ~~((Replacement of single family dwellings, other than farmhouse replacement pursuant to SCC~~
30 ~~30.65.220(7), when the flood depth, flood velocity, and flood related erosion of the site is~~
31 ~~evaluated in order to identify a building location that offers the least risk of harm to life and~~
32 ~~property. A suitable building location for a replacement structure shall be approved for structures~~
33 ~~damaged by flooding or flood related erosion only when the following are met:~~

34
35 ~~(a) The State Department of Ecology, pursuant to RCW 86.16.041(4) and (5), assesses~~
36 ~~the risk of harm to life and property posed by the specific conditions of the floodway at~~
37 ~~any proposed building site, and based upon scientific analysis of depth, velocity, and~~
38 ~~flood related erosion recommends to the county that a waiver to the floodway prohibition~~
39 ~~of RCW 86.16.041(2)(a) for repair, replacement or relocation of such structures is~~
40 ~~authorized for a specific building location.~~

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

5 (9) ~~((Repair, reconstruction, or improvement of residential structures, where repair,~~
6 ~~reconstruction, or improvement of a structure does not increase the ground floor area, and is not~~
7 ~~a substantial improvement.))~~
8

9 ~~((10))~~ Water-dependent utilities and other installations which by their very nature must be in
10 the floodway. Examples of such uses are: Dams for domestic/industrial water supply, flood
11 control and/or hydroelectric production; water diversion structures and facilities for water
12 supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and
13 facilities; hydroelectric generating facilities and appurtenant structures; structural and
14 nonstructural flood damage reduction facilities, and stream bank stabilization structures and
15 practices. The applicant shall supply convincing evidence that a floodway location is necessary
16 in view of the objectives of the proposal and that the proposal is consistent with other provisions
17 of this chapter and the county shoreline management program. In all instances of locating
18 utilities and other installations in floodway locations, project design must incorporate
19 floodproofing.
20

21 ~~((11))~~ (10) Dikes, when the applicant can provide clear and convincing evidence that:
22

23 (a) Adverse effects upon adjacent properties will not result relative to increased
24 floodwater depths and velocities during the base flood or other more frequent flood
25 occurrences;
26

27 (b) Natural drainage ways are minimally affected in that their ability to adequately drain
28 floodwaters after a flooding event is not impaired; and
29

30 (c) The proposal has been coordinated through the appropriate diking district where
31 applicable, and that potential adverse effects upon other affected diking districts have
32 been documented.
33

34 ~~((12))~~ (11) Public works, limited to roads and bridges.
35

36 Section 19. Snohomish County Code Section 30.65.230, last amended by Amended
37 Ordinance 07-005 on February 21, 2007, is amended to read:
38

39 **30.65.230 Floodways: prohibited uses.**
40

41 (1) The following uses/development are prohibited in the floodway:
42

1 (a) Any structure, including mobile homes designed for, or to be used for, human
2 habitation of a permanent nature (including temporary dwellings authorized by SCC
3 30.22.130 except as provided by SCC 30.65.220(7)(~~7~~) and (8)(~~7~~ and ~~9~~)).

4
5 (b) All encroachments, including fill, new construction, and other development unless
6 ~~((verification))~~ certification by a registered professional engineer is provided
7 demonstrating through hydrologic and hydraulic analyses performed in accordance with
8 standard engineering practice that the ~~((effect of the subject))~~ proposed encroachment
9 ~~((together with the cumulative effects of all similar potential encroachments shall not
10 materially cause water to be diverted from the established floodway, cause erosion,
11 obstruct the natural flow of water, reduce the carrying capacity of the floodway, or))~~ will
12 not result in any increase in flood levels during the occurrence of the base flood
13 discharge.

14
15 (c) The construction or storage of any object subject to flotation or movement during
16 flood level periods;

17
18 (d) The following uses, due to their high degree of incompatibility with the purpose of
19 establishing and maintaining a functional floodway are specifically prohibited:

20
21 (i) ~~((the))~~ The filling of marshlands(~~7~~) ;

22
23 (ii) ~~((solid))~~ Solid waste landfills, dumps, junkyards, outdoor storage of vehicles
24 and/or materials(~~7~~) ;

25
26 (iii) ~~((damming))~~ Damming or relocation of any watercourse that will result in
27 any downstream increase in flood levels during the occurrence of the base flood
28 discharge; and

29
30 (iv) ~~((critical))~~ Critical facilities as defined in this title.

31
32 (2) The listing of prohibited uses in this section shall not be construed to alter the general rule of
33 statutory construction that any use not permitted is prohibited.

34
35 Section 20. Snohomish County Code Section 30.65.240, last amended by Amended
36 Ordinance 05-068 on September 7, 2005, is amended to read:

37
38 **30.65.240 Density fringe area.**

39
40 (1) SCC 30.65.240 through 30.65.285 provide specific criteria to be used in regulating
41 development in areas of high flood damage potential where conventional floodway areas cannot
42 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

1 the FIRM (at least two feet if no depth number is specified) plus one foot. Any space below
2 that level must be watertight with walls substantially impermeable to the passage of water
3 and have the capability of resisting hydrostatic and hydrodynamic loads and effects of
4 buoyancy. Compliance shall be certified by a registered professional engineer or architect
5 under SCC 30.65.130.

6
7 (3) Adequate drainage paths around structures on slopes are required to guide floodwaters
8 around and away from proposed structures.

9
10 (4) Recreational vehicles placed on sites within AO zones on the applicable FIRM shall:

11 (a) Be on the site for fewer than 180 consecutive days; and

12 (b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to
13 the site only by quick disconnect type utilities and security devices, and have no permanently
14 attached additions.
15
16

17
18 Section 22. A new section is added to Snohomish County Code Chapter 30.65 to read:

19
20 **30.65.295 Coastal high hazard areas: standards.**

21
22 Coastal high hazard areas are identified in the flood insurance study and depicted on the flood
23 insurance rate maps that are adopted by SCC 30.65.040. These are areas of special flood hazard
24 designated as zones V1-30, VE, and V. These areas have special flood hazards associated with
25 high velocity waters from surges. In addition to other applicable provisions in this code, the
26 following provisions shall apply in zones V1-30, VE, and V:
27

28 (1) All new construction and substantial improvements in zones V1-30 and VE (V if base flood
29 elevation data is available) on the applicable FIRM shall meet the following standards:

30 (a) Be elevated on pilings and columns so that the bottom of the lowest horizontal structural
31 member of the lowest floor (excluding the pilings or columns) is:

32 (i) For residential buildings, elevated one foot or more above the base flood level; or

33 (ii) For nonresidential buildings, elevated one foot or more above the base flood level or
34 meet the elevation requirements of ASCE 24, whichever is higher.
35

36 (b) The pile or column foundation and the structure attached thereto must be anchored to
37 resist flotation, collapse and lateral movement due to the effects of wind and water loads
38 acting simultaneously on all building components. Wind and water loading values shall each
39
40
41

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).

1
2 (ii) The enclosed space created by breakaway walls is useable solely for parking of
3 vehicles, building access, or storage. Such space shall not be used for human habitation.
4

5 (5) The use of fill for structural support of buildings within zones V1-30, VE, and V on the
6 applicable FIRM is prohibited.
7

8 (6) Man-made alteration of sand dunes within zones V1-30, VE, and V on the applicable FIRM
9 which would increase potential flood damage is prohibited.
10

11 (7) All mobile homes to be placed or substantially improved on sites within zones V1-30, V, and
12 VE on the applicable FIRM and that are located outside of a mobile home park or subdivision, in
13 a new mobile home park or subdivision, in an expansion to an existing mobile home park or
14 subdivision, or in an existing mobile home park or subdivision on which a mobile home has
15 incurred "substantial damage" as the result of a flood shall meet the standards of SCC
16 30.65.295(1) through (6).
17

18 (8) All mobile homes to be placed or substantially improved on sites within zones V1-30, V, and
19 VE on the applicable FIRM and that are located in an existing mobile home park or subdivision
20 shall meet the requirements of SCC 30.65.110(1) and 30.65.120(4).
21

22 (9) Recreational vehicles placed on sites within V or VE zones on the applicable FIRM shall:
23

24 (a) Be on the site for fewer than 180 consecutive days; and
25

26 (b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to
27 the site only by quick disconnect type utilities and security devices, and have no permanently
28 attached additions.
29

30 Section 23. A new section is added to Snohomish County Code Chapter 30.65 to read:
31

32 **30.65.350 Enforcement.**
33

34 The provisions of this chapter shall be enforced under chapter 30.85 SCC.
35

36 Section 24. A new section is added to Snohomish County Code Chapter 30.91A to read:
37

38 **30.91A.151 Alteration of watercourse.**
39

40 "Alteration of watercourse" means any action that will change the location of the channel
41 occupied by the water within the banks of any portion of a riverine waterbody.
42

1 Section 25. A new section is added to Snohomish County Code Chapter 30.91A to read:

2
3 **30.91A.268 Area of shallow flooding.**

4
5 "Area of shallow flooding" means a designated zone AO, AH, AR/AO, or AR/AH (or VO) on a
6 Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an
7 average depth of one to three feet where a clearly defined channel does not exist, where the path
8 of flooding is unpredictable, and where velocity flow may be evident. Such flooding is
9 characterized by ponding or sheet flow. Also referred to as the "sheet flow area."

10
11 Section 26. A new section is added to Snohomish County Code Chapter 30.91B to read:

12
13 **30.91B.022 Base flood elevation.**

14
15 "Base flood elevation" or "BFE" means the elevation to which floodwater is anticipated to rise
16 during the base flood.

17
18 Section 27. A new section is added to Snohomish County Code Chapter 30.91B to read:

19
20 **30.91B.152 Breakaway wall.**

21
22 "Breakaway wall" means a wall that is not part of the structural support of the building and is
23 intended through its design and construction to collapse under specific lateral loading forces,
24 without causing damage to the elevated portion of the building or supporting foundation system.

25
26 Section 28. A new section is added to Snohomish County Code Chapter 30.91C to read:

27
28 **30.91C.130.1 Coastal high hazard area.**

29
30 "Coastal high hazard area" means an area of special flood hazard extending from offshore to the
31 inland limit of a primary frontal dune along an open coast and any other area subject to high
32 velocity wave action from storms or seismic sources. The area is designated on the Flood
33 Insurance Rate Map (FIRM) as zone V1-30, VE, or V.

34
35 Section 29. Snohomish County Code Section 30.65D.250, added by Amended Ordinance
36 02-064 on December 9, 2002, is amended to read:

37
38 **30.91D.250 Development in special flood hazard areas.**

39
40 "Development in special flood hazard areas" means any (~~manmade~~) man-made change to
41 improved or unimproved real estate, including but not limited to buildings or other structures,
42 (~~dams, walls, wharves, embankments, levees, dikes, piles, bridges, improved roads, abutments,~~

1 projections, channel rectifications, conduits, culverts, wires, fences, rocks, gravel, refuse
2 deposits;)) mining, dredging, filling, grading, paving, excavation or drilling operations, ((and
3 works as defined in this subtitle)) and storage of equipment or materials within the area of
4 special flood hazard.

5
6 *This definition applies only to "Flood hazard" regulations in ((chapter)) chapters 30.43C,*
7 *30.43D, and 30.65 SCC.*

8
9 Section 30. Snohomish County Code Section 30.91F.130, last amended by Amended
10 Ordinance 05-068 on September 7, 2005, is amended to read:

11
12 **30.91F.130 Farmhouse.**

13
14 "Farmhouse" means a single-family dwelling((, including modular and mobile homes,
15 constructed to building code standards placed on permanent concrete foundations, locating))
16 located on a farm site where resulting agricultural products are not produced for the primary
17 consumption or use by the occupants and the farm owner.

18
19 *This definition applies only to ((chapters)) the "Flood hazard" regulations in chapters 30.43C,*
20 *30.43D and 30.65 SCC.*

21
22 Section 31. Snohomish County Code Section 30.91F.360, added by Amended Ordinance
23 02-064 on December 9, 2002, is amended to read:

24
25 **30.91F.360 Flood or flooding.**

26
27 "Flood or flooding" means either:

28
29 ((a)) (1) A general and temporary condition of partial or complete inundation of normally dry
30 land areas from:

31
32 (a) The ((the)) overflow of inland or tidal waters; ((or))

33
34 (b) The ((the)) unusual and rapid accumulation ((of)) or runoff of surface waters from any
35 source; or ((-))

36
37 (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in
38 paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the
39 surfaces of normally dry land areas, as when earth is carried by a current of water and
40 deposited along the path of the current; or

1 (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result
2 of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical
3 levels or suddenly caused by an unusually high water level in a natural body of water,
4 accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an
5 abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in the
6 overflow of inland or tidal waters.

7
8 Section 32. Snohomish County Code Section 30.91F.370, added by Amended Ordinance
9 02-064 on December 9, 2002, is amended to read:

10
11 **30.91F.370 Flood hazard area, special.**

12
13 "Flood hazard area, special" ("Special flood hazard area") means the land in the ~~((flood plain that~~
14 ~~is)) floodplain within a community subject to a one percent or greater chance of flooding in any
15 given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30,
16 AE, A99, or AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning
17 with the phrase "area of special flood hazard." (See figure 30.91F.410 for illustration.)~~

18
19 Section 33. Snohomish County Code Section 30.91F.390, added by Amended Ordinance
20 02-064 on December 9, 2002, is amended to read:

21
22 **30.91F.390 Flood insurance rate map.**

23
24 "Flood insurance rate map" (FIRM) means the official map of a community, on which the federal
25 insurance ~~((administration))~~ administrator has delineated both the areas of special flood hazards
26 and the risk premium zones applicable to the community. A FIRM that has been made digitally
27 available is called a digital flood insurance rate map (DFIRM).

28
29 Section 34. Snohomish County Code Section 30.91F.400, added by Amended Ordinance
30 02-064 on December 9, 2002, is amended to read:

31
32 **30.91F.400 Flood insurance study.**

33
34 "Flood insurance study" means ~~((the official report provided by the federal insurance~~
35 ~~administration that includes flood profiles, the flood boundary floodway map, and the water~~
36 ~~surface elevation of the base flood.)) an examination, evaluation and determination of flood
37 hazards and, if appropriate, corresponding water surface elevations, or an examination evaluation
38 and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazard. Also known
39 as a "flood elevation study."~~

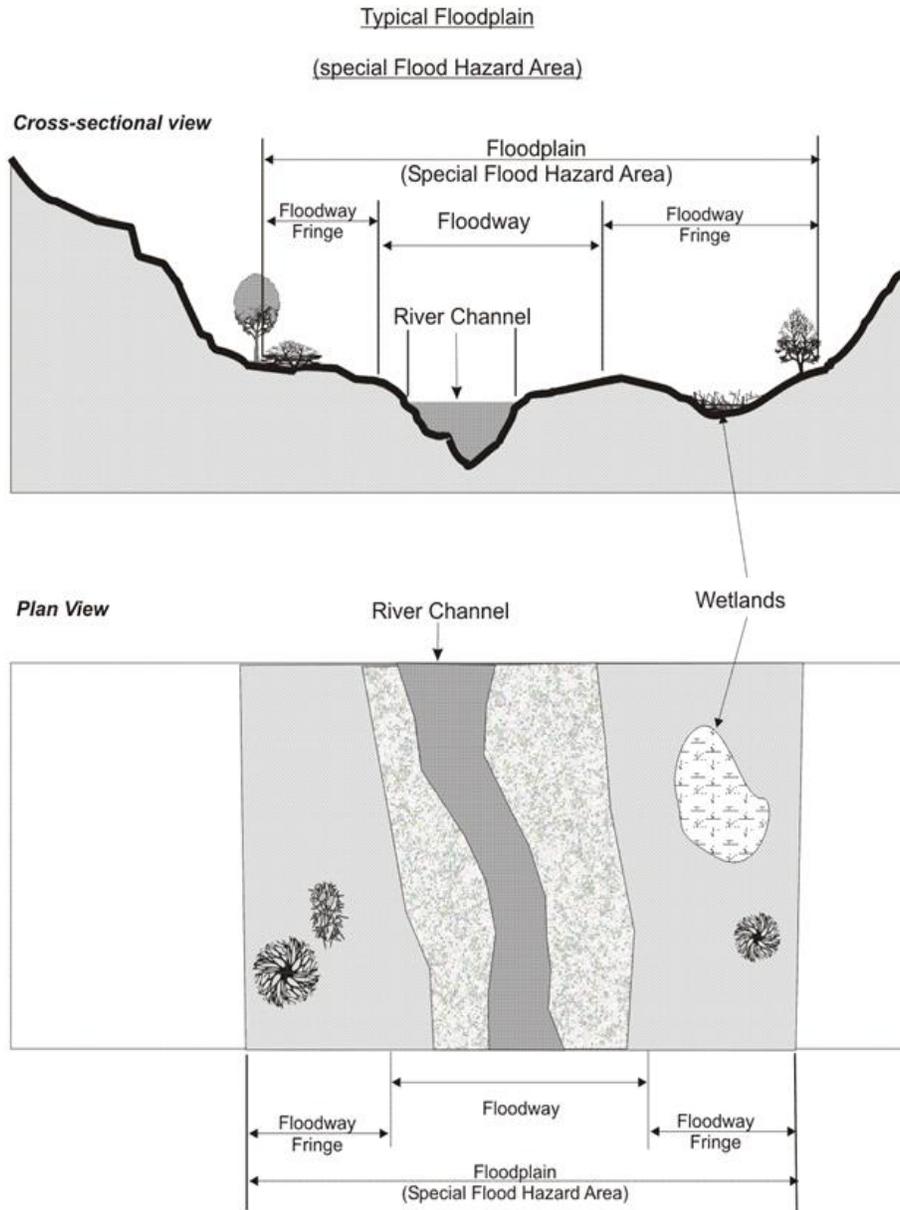
40
41 Section 35. Snohomish County Code Section 30.91F.410, added by Amended Ordinance
42 02-064 on December 9, 2002, is amended to read:

1
2
3
4
5
6
7
8
9
10

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)



1
2
3
4
5
6
7
8
9

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.

1 Section 37. Snohomish County Code Section 30.91F.430, added by Amended Ordinance
2 02-064 on December 9, 2002, is amended to read:

3
4 **30.91F.430 Floodway.**

5
6 "Floodway" means the (~~regular~~) channel of a river(~~, stream,~~) or other watercourse(~~, plus~~)
7 and the adjacent land areas that must be reserved in order to discharge the base flood without
8 cumulatively increasing the water surface elevation more than (~~one foot~~) a designated height.
9 Also referred to as "regulatory floodway." (See figure 30.91F.410 for illustration).

10
11 Section 38. A new section is added to Snohomish County Code Chapter 30.91F to read:

12
13 **30.91F.530 Functionally dependent use.**

14
15 "Functionally dependent use" means docking facilities, port facilities that are necessary for the
16 loading and unloading of cargo or passengers, and ship building and ship repair facilities, and
17 does not include long-term storage or related manufacturing facilities.

18
19 *This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and*
20 *30.65 SCC.*

21
22 Section 39. A new section is added to Snohomish County Code Chapter 30.91H to read:

23
24 **30.91H.109 Highest adjacent grade.**

25
26 "Highest adjacent grade" means the highest natural elevation of the ground surface prior to
27 construction next to the proposed walls of a structure.

28
29 Section 40. A new section is added to Snohomish County Code Chapter 30.91H to read:

30
31 **30.91H.118 Historic structure.**

32
33 "Historic structure" means any structure that is:

34
35 (1) Listed individually in the National Register of Historic Places (a listing maintained by the
36 Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the
37 requirements for individual listing on the National Register;

38
39 (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the
40 historical significance of a registered historic district or a district preliminarily determined by the
41 Secretary of the Interior to qualify as a registered historic district;

1 (3) Individually listed on a state inventory of historic places in states with historic preservation
2 programs which have been approved by the Secretary of Interior; or

3
4 4) Individually listed on a local inventory of historic places in communities with historic
5 preservation programs that have been certified either:

6
7 a) By an approved state program as determined by the Secretary of the Interior, or

8
9 b) Directly by the Secretary of the Interior in states without approved programs.

10
11 This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and
12 30.65 SCC.

13
14 Section 41. Snohomish County Code Section 30.91L.220, added by Amended Ordinance
15 02-064 on December 9, 2002, is amended to read:

16
17 **30.91L.220 Lowest floor.**

18
19 "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An
20 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or
21 storage in an area other than a basement area is not considered a building's lowest floor, ~~((only~~
22 ~~when))~~ provided that such enclosure is not built ((consistent with)) so as to render the structure in
23 violation of the applicable non-elevation design requirements of SCC 30.65.120(2)(b) (e.g.,
24 provided there are adequate flood ventilation openings).

25
26 Section 42. A new section is added to Snohomish County Code Chapter 30.91L to read:

27
28 **30.91L.223 Lowest horizontal structural member.**

29
30 "Lowest horizontal structural member" means the lowest beam, joist, or other horizontal member
31 that supports an elevated building. Grade beams installed to support vertical foundation members
32 are not considered lowest horizontal structural members.

33
34 Section 43. A new section is added to Snohomish County Code Chapter 30.91M to read:

35
36 **30.91M.065 Mean sea level.**

37
38 "Mean sea level" for purposes of the National Flood Insurance Program, means the vertical
39 datum to which base flood elevations (BFE) shown on a flood insurance rate map (FIRM) are
40 referenced.

1 Section 44. Snohomish County Code Section 30.91N.040, added by Amended Ordinance
2 02-064 on December 9, 2002, is amended to read:

3
4 **30.91N.040 New construction.**

5
6 "New construction" means structures for which the start of construction commenced on or after
7 ~~((March 15, 1984))~~ the effective date of a floodplain management regulation adopted by a
8 community and includes any subsequent improvements to such structures.

9
10 *This definition applies only to "Flood hazard" regulations in chapters 30.43C, 30.43D, and*
11 *30.65 SCC.*

12
13 Section 45. A new section is added to Snohomish County Code Chapter 30.91R to read:

14
15 **30.91R.025 Reasonably safe from flooding.**

16
17 "Reasonably safe from flooding" means development that is designed and built such that it meets
18 the standards of chapter 30.65 SCC and is protected from the base flood. In unnumbered A zones
19 where flood elevation information is not available and cannot be obtained by practicable means,
20 "reasonably safe from flooding" means that the lowest floor is at least two feet above the highest
21 adjacent grade as defined in SCC 30.91H.109.

22
23 Section 46. Snohomish County Code Section 30.91S.570, last amended by Amended
24 Ordinance 05-068 on September 7, 2005, is amended to read:

25
26 **30.91S.570 Start of construction.**

27
28 "Start of construction" means the date a building permit was issued, ~~((for permanent construction~~
29 ~~of a structure or substantial improvement of a structure on a site))~~ provided the actual start of
30 construction, repair, reconstruction, rehabilitation, addition, placement, or ((placement of other
31 improvements)) other improvement was within 180 days of the permit issuance date. The actual
32 start of construction means either the first placement of a permanent construction element of a
33 structure on a site (including but not limited to, the pouring of slab or footings, the installation of
34 piles, the construction of columns, or any work beyond the stage of excavation) or the placement
35 of a mobile home on a foundation. Permanent construction does not include land preparation,
36 such as clearing, grading and filling; nor does it include the installation of streets and/or walk-
37 ways; nor does it include excavation for ((basements)) a basement, footings, piers, or foundations
38 or the erection of temporary forms; nor does it include the installation on the property of
39 accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the
40 main structure. For a substantial improvement, the actual start of construction means the first
41 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that
42 alteration affects the external dimensions of the building.

1
2 *This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and*
3 *30.65 SCC.*

4
5 Section 47. Snohomish County Code Section 30.91S.750, last amended by Amended
6 Ordinance 05-068 on September 7, 2005, is amended to read:

7
8 **30.91S.750 Substantial improvement.**

9
10 "Substantial improvement" means any ~~((repair,))~~ reconstruction, rehabilitation, addition, or other
11 improvement of a structure ((which meets the following:)), the cost of which equals or exceeds
12 50 percent of the structure's market value before the "start of construction." This term applies to
13 structures which have incurred "substantial damage," regardless of the actual repair work
14 performed. The total value of all improvements to an individual structure undertaken after March
15 15, 1984, shall be used in calculating the value of the improvements pursuant to this section. If at
16 any time the cumulative value of all improvements to the same structure exceeds the 50 percent
17 limit, a substantial improvement exists.

18
19 ~~((1) The cost of the repair, reconstruction, or improvement must equal or exceed 50 percent of~~
20 ~~the market value of the structure either:~~

21
22 ~~(a) Before the improvement or repair is started, or~~

23
24 ~~(b) Before the damage occurred for a structure that has been damaged and is being~~
25 ~~restored.))~~

26
27 ~~((2) For the purposes of this definition substantial improvement occurs when the first alteration~~
28 ~~of any wall, ceiling, floor, or other structural part of the building commences, whether or not that~~
29 ~~alteration affects the external dimensions of the structure.))~~

30
31 ~~((3) The total value of all improvements to an individual structure undertaken subsequent to~~
32 ~~March 15, 1984, shall be used in calculating the value of the improvements pursuant to this~~
33 ~~section. If at any time the cumulative value of all improvements to the same structure exceeds~~
34 ~~the 50 percent limit, a substantial improvement exists.))~~

35
36 ~~((4) The))~~ This term does not include:

37
38 ~~((a))~~ (1) Any project for improvement of a structure to correct previously identified existing
39 violations of state or local health, sanitary, or safety code specifications which have been
40 identified by the ~~((county or other agency with jurisdiction))~~ local code enforcement official and
41 ~~((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 ____ day of _____, 2020.

28
29
30 SNOHOMISH COUNTY COUNCIL
31 Snohomish County, Washington

32
33
34
35 _____
36 Council Chair

37 ATTEST:

38
39 _____
40 Clerk of the Council
41
42

1 () APPROVED

2

3 () EMERGENCY

4

5 () VETOED

DATE: _____

6

7

8

County Executive

9

10

11 ATTEST:

12

13

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15

16

17

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19 Approved as to from only:

20

21

 5/4/20
Deputy Prosecuting Attorney

22

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Snohomish County

Planning and Development Services

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

MEMORANDUM**TO:** Snohomish County Planning Commission**Dave Somers**
*County Executive***FROM:** Mitchell Brouse, Senior Planner
Planning and Development Services**SUBJECT:** Code update for Digital Flood Insurance Rate Maps**DATE:** February 18, 2020**INTRODUCTION**

The purpose of this staff report is to outline and provide information regarding a non-project proposal to adopt updated flood insurance rate maps (FIRM) and to amend a portion of Snohomish County Code (SCC) of the special flood hazard area regulations.

BACKGROUND

Flood Insurance Rate Maps (FIRMs) and the associated Flood Insurance Study (FIS) are maps and a technical study issued by the Federal Emergency Management Agency (FEMA) which demonstrate flood risk. They show special flood hazard areas (SFHA) that are used to determine flood insurance premiums as a part of the National Flood Insurance Program (NFIP) accompanied by regulatory restrictions on development. The package needs to be adopted by local jurisdictions. Snohomish County's existing FIRMs and FIS were last adopted September 16, 2005.

The special flood hazard areas shown on the FIRMs are generally broken into categories, based on levels of flood risk with differing standards intended to reduce risk of flood damage and to maintain flood flow. A few of key terms are described below and illustrated on Figure 1.

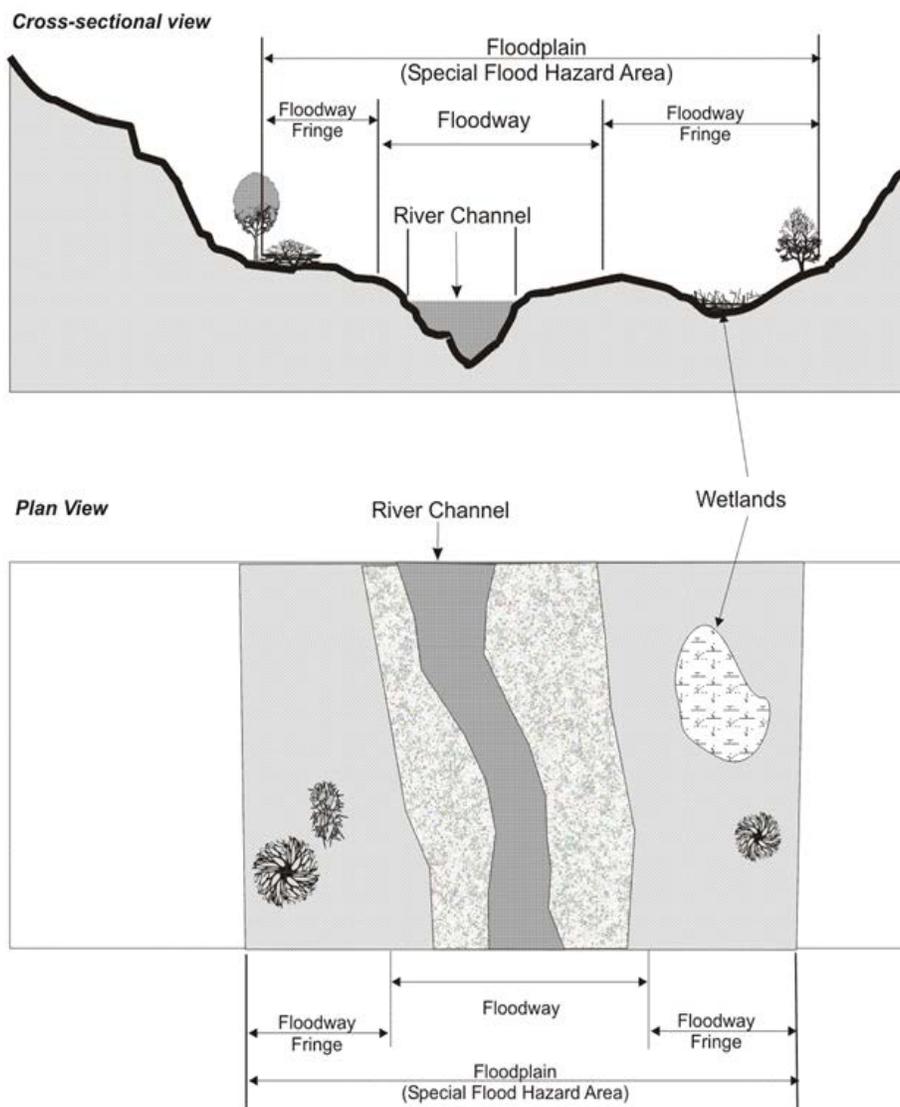
- **Floodplain:** The land area that is adjunct to a river, stream, other watercourse, ocean, bay, lake which is likely to be flooded. The floodplain typically consists of the floodway and floodway fringe. It is also referred to as the "special flood hazard area".
- **Base Flood:** A flood event that has a 1% chance of occurring during any given year.
- **Floodway Fringe:** The portion of the special flood hazard area that is outside the designated floodway which is inundated by floodwaters during a base flooding event.

- **Floodway:** The regular channel of a river, stream, or other watercourse plus the additional, adjacent land area that must stay unobstructed to allow the base flood to be discharged without increasing the water surface level more than one foot.
- **Density Fringe Area:** A portion of the special flood hazard area where a floodway cannot reasonably be determined and mapped. The density fringe areas are located on the lower Snohomish and Stillaguamish Rivers. Density fringe is a classification of SFHA that is unique to flood mapping in Snohomish County. Development in these areas is limited based on maximum density of development and maximum obstruction from development.

Figure 1 (SCC Figure 30.91F.410)

Typical Floodplain

(special Flood Hazard Area)



DFIRM

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After an extensive review and appeal period (12 years), FEMA issued a letter of final determination to the County on December 19, 2019, stating that a new FIS and set of FIRMs will become effective on June 19, 2020. As such, the County must adopt the updated maps and study prior to their effective date to continue its enrollment in the NFIP.

A significant process was undertaken by FEMA, which included opportunities for community participation, review, and appeal. The following is an outline of the process:

- On January 12, 2007, Snohomish County was notified by the Federal Emergency Management Agency (FEMA) of proposed Base Flood Elevations (BFEs) that would affect the Flood Insurance Study (FIS) and the FIRMs.
- On January 24, 2007, a statutory 90-day appeal period was initiated through publishing of notice of proposed BFE was published in the Seattle Times.
- Updated draft preliminary FIRM panels and FIS reports were sent to the County on September 28, 2010, July 22, 2016, and July 31, 2017, which included opportunities for comment.
- On February 1, 2018 the County was notified of proposed modified Flood Hazard Determinations (FHDs).
- On February 15, 2018, a second statutory 90-day appeal period was initiated through publishing of notice of proposed BFE in the Daily Herald.
- On December 19, 2019, Letter of Final Determination was issued to the County.

Additionally, on January 16, 2019, Snohomish County staff met with members of the State of Washington Department of Ecology, the state agency that coordinates the state NFIP, for a Community Assistance Visit (CAV). Following the visit, the Department of Ecology issued a CAV report on October 24, 2018, outlining a number of actions the County needed to undertake prior to closure of the CAV.

Within the report, a number of code changes were identified by the NFIP State Coordinator that need to be implemented into local codes. Because of the large scope of this project, and the limited timeline to adopt the updated FIRMs, the code update is projected to be divided into two phases. This is phase 1, which proposes local adoption of the updated FIRMs and FIS and a number code updates, outlined in detail below. Phase 1 needs to be adopted prior to the June 19, 2020 effective date for the FIS and FIRMs.

PROPOSED CODE AMENDMENTS

The proposed amendments to Snohomish County Code would alter SCC 30.43C, 30.65, and 30.91. The following text outlines the proposed code changes proposed in this phase of the project:

Adopt Updated Flood Insurance Rate Maps. Section 30.65.040 SCC will need to be updated to facilitate the adoption of the updated flood insurance study (FIS) and flood insurance rate maps (FIRMs). The maps are also referenced in SCC 30.65.240(2), which identifies the density fringe areas.

Shallow Flooding Areas. The updated FIRMs include a new classification of special flooding area to Snohomish County called shallow flooding areas. They appear on FIRMs as AO zones and include depth designations, ranging from 1 to 3 feet. Shallow flooding areas appear on the updated FIRMS along the Sultan and Skykomish Rivers. Because these areas appear on the maps, a section will need to be adopted into chapter 30.65 SCC that assigns standards for development within them. Specific minimum standards for these areas are determined by FEMA and the Department of Ecology and are shown in the language contained in Appendix A, as reflected in the September 9, 2019 Washington Model Flood Damage Prevention Ordinance.

Coastal High Hazard Areas. Similar to shallow flooding areas, updated FIRMs will include a second new classification of special flood hazard area called coastal high hazard areas. They appear on FIRMs as zones V1-30, VE, and V and are located in many areas along the cost of Puget Sound. These areas have special flood hazards that are associated with high velocity waters from surges. Specific minimum standards are set by FEMA and the Department of Ecology, and, similar to standards for shallow flooding areas, language comes from the Washington Model Ordinance and is included in Appendix B.

Permitted Uses in the Density Fringe. As described above, the density fringe area are areas of high risk of flood damage where conventional floodway areas have been difficult to delineate. Special standards have been established in these areas that are intended to: 1) foster the continued agricultural use of farmlands; and 2) maintain an acceptable level of flood hazard protection. A list of uses that are permitted within the density fringe are included in SCC 30.65.280.

The proposed amendments would expand the list of permitted uses in the density fringe area in the south Snohomish Urban Growth Area (UGA). In July of last year, the Planning Commission recommended approval, and County Council approved, General Policy Plan 19-4 that revised policy LU 1.A.12 to broaden the uses allowed in urban growth areas located within the floodplain. The amended policy allows those uses that comply with the requirements of SCC 30.65 (Special Flood Hazard Areas). The proposed amendments would implement that policy by including uses allowed in the LI – Light Industrial zone, while excluding those uses that are not appropriate in the special flood hazard area. The density fringe in the south Snohomish UGA has an underlying zoning of LI – Light Industrial or IP – Industrial Park. Updating the permitted uses, while maintaining the other restrictions will further implement the stated intent of the density fringe areas.

Floodplain Administrator. Add a new section to 30.65 that specifically identifies the floodplain administrator and assigns duties and responsibilities to the floodplain administrator. The floodplain administrator’s duties include:

- 1) Reviewing applications for special flood hazard permits for compliance with the requirements of Title 30 SCC;
- 2) Notifying FEMA of any annexations that occur within the SFHA;
- 3) Utilizing other data in zones where a base flood elevation has not been provided in the FIS in order to administer the requirements of chapter 30.65; and
- 4) Obtaining and maintaining information regarding development in the flood hazard area.

Habitat Assessments. According to state NFIP regulations, habitat assessments are required as a part of being issued a flood hazard permit. Despite this regulation, existing county code does not have language explicitly requiring these assessments. To improve the transparency of the flood hazard permitting process, the amendments proposed by this report would add a new section to chapter 30.43C SCC, specifically addressing these requirements.

Definitions. In addition to the code updates included above, there are a number of definitions that need to be added or updated that will help align Snohomish County Code with the requirements of the NFIP. The new and updated definitions, unless they are directly associated with other changes listed above, should not impact standards, they will simply improve the usability of the code and better align it with national standards.

Terms that are proposed for updating include: Development in the special flood areas; flood or flooding; floodplain or flood-prone area; floodproofing; floodway; lowest floor; start of construction; structure; and substantial improvement.

New definitions include: Alteration of watercourse; area of shallow flooding; area of special flood hazard; base flood elevation; breakaway wall; coastal high hazard area; flood elevation study; floodplain administrator; functionally dependent use; highest adjacent grade; historic structure; mean sea level; and reasonably safe from flooding.

OVERVIEW OF PROPOSED FINDINGS

The following are key findings related to compliance with Washington state law and Snohomish County policies, with additional findings which will be included in the ordinance.

Compliance with State Law

The Growth Management Act (GMA) contains planning goals, contained in Revised Code of Washington (RCW) 36.70A.020, which guide the development of local comprehensive plans and development regulations. The following planning goals apply to these proposed code changes:

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.”

Analysis: Special flood hazard regulations specifically work to protect development from flood damage, but they work to protect watercourses and other water bodies and water quality by placing restrictions on development in close proximity of these areas. Additionally, the proposed amendments include adding language specifically requiring habitat assessments to protect the environment and enhance the state's high quality of life.

Compliance with the Snohomish County Comprehensive Plan

The proposed amendments are consistent with and will help implement the goals, objectives, and policies contained within the Snohomish County Growth Management Act Comprehensive Plan (GMACP) – General Policy Plan (GPP). The following goals, objectives, and policies apply to the code amendments being proposed by this report.

Objective LU 1.A – “Establish UGAs with sufficient capacity to accommodate the majority of the county's projected population, employment, and housing growth over the next 20 years.

GPP LU 1.A.12 – “Urban growth areas which are located within the floodplain, as identified in chapter 30.65 SCC (Special Flood Hazard Areas), shall comply with all provisions of that chapter, Annexation agreements shall ensure the continued implementation of this policy except that the annexing city or town may revise the list of allowed uses in the density fringe area once the area is annexed, provided that the city or town complies with the two percent maximum allowable density and the fifteen percent maximum allowable obstruction regulations in chapter 30.65 SCC and the purpose and intent of chapter 30.65 SCC are upheld..

Analysis: The proposed amendments are consistent with Land Use Policy 1.A.12. According to this policy, land that is located within both the UGA and the SFHA is required to comply with chapter 30.65 SCC, including any amendments to that chapter.

Objective NE 3.D – “Designate and protect frequently flooded areas pursuant to the Growth Management Act.”

GPP NE 3.D.3 – “The county should meet the requirements of the National Flood Insurance Program.”

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

GPP NE 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.”

Analysis: Adoption of the proposed code amendments will facilitate further implementation of GPP Objective 3.D by adopting the newest flood maps and updating regulations in the special flood hazard area to protect areas that are frequently flooded. Further, adoption of updated maps and updating codes is required for participation in the National Flood Insurance Program and Community Rating System. Finally, as is indicated in 3.D.5, adoption of the updated FIS will incorporate new science and analysis of flood hazards into local regulations and mapping.

PROCEDURAL REQUIREMENTS

The proposed ordinance complies with all state law and Snohomish County Code procedural requirements. The following provides an outline of key procedural requirements:

Environmental Review

Staff is in the process of completing a State Environmental Policy Act (SEPA) checklist, which will be published at least fourteen (14) days in advance of the Planning Commission hearing.

DFIRM

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Notification of State Agencies

As is required by RCW 36.70A.106(1), notification of intent to adopt the proposed code changes was transmitted to the Washington State Department of Commerce on February 19, 2020.

PDS RECOMMENDATION

Planning and Development Services recommends approval of the proposed code amendments outlined by this staff report.

Cc:

Ken Klein, Executive Director, Snohomish County Executive's Office
Barb Mock, Director, Planning and Development Services
Mike McCrary, Deputy Director, Planning and Development Services
Ikuno Masterson, AICP, Manager, Planning and Development Services
Yorik Stevens-Wajda, AICP, Senior Legislative Analyst, Snohomish County Council

Attached:

Appendix A: Washington Model Flood Damage Prevention Ordinance Standards for Shallow Flooding
Appendix B: Washington Model Flood Damage Prevention Ordinance Standards for Coastal High Hazard Areas

**APPENDIX A: WASHINGTON MODEL FLOOD DAMAGE PREVENTION ORDINANCE
STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)
(REVISED 9/09/2019)
(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: WASHINGTON MODEL FLOOD DAMAGE PREVENTION ORDINANCE
STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)
(REVISED 9/09/2019)
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)).

EXECUTIVE/COUNCIL APPROVAL FORM SNOHOMISH COUNTY COUNCIL**MANAGEMENT ROUTING:**

EXECUTIVE Dave Somers
 EXEC. DIR. Ken Klein *KK*
 DIRECTOR/ELECTED Barb Mock *BJM*
 DEPARTMENT Planning & Dev. Serv.
 DIV. MGR. Ikuno Masterson *IK*
 DIVISION Long Range Planning
 ORIGINATOR Mitchell Brouse *MB*
 DATE April 27, 2020 EXT. 5127

TO: COUNCIL CHAIRPERSON **EXHIBIT # 3.1.2**
 SNOHOMISH COUNTY COUNCIL
 FILE **ORD 20-029**

EXECUTIVE RECOMMENDATION:

Approve No Recommendation
 Further Processing
 Requested By *Ken Klein*
 Ken Klein, Executive Director 05/06/2020
 Executive Office Signature
 CEO Staff Review MG 5/6/20
 Received at Council Office ALC 2:10 PM 5/6/2020

DOCUMENT TYPE:

BUDGET ACTION:
 Emergency Appropriation
 Supplemental Appropriation
 Budget Transfer
 CONTRACT:
 New
 Amendment

GRANT APPLICATION
 ORDINANCE
 Amendment to Ord. # _____
 PLAN
 OTHER

DOCUMENT / AGENDA TITLE:

ORDINANCE NO. _____ 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

APPROVAL AUTHORITY:

EXECUTIVE _____ COUNCIL
 CITE BASIS _____

HANDLING: NORMAL _____ EXPEDITE _____ URGENT DEADLINE DATE **5/11/20**

PURPOSE:

Transmit a proposed ordinance to adopt interim official controls that amend Snohomish County Code (SCC) Chapter 30.43C and 30.65 and subtitle 30.9 SCC to adopt updated Flood Insurance Rate Maps and to amend the SCC in accordance with the national program.

BACKGROUND:

- Snohomish County participates in the National Flood Insurance Program (NFIP), which provides an opportunity for Snohomish County residents to purchase affordable flood insurance. In order to participate in the NFIP, the County must adopt floodplain management regulations that are compliant with NFIP standards found in 44 CFR Section 60.3 and shall adopt the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) that are prepared and approved by the Federal Emergency Management Agency (FEMA)
- On December 19, 2019, FEMA issued a letter of final determination on updated FIRMs, indicating that updated FIRMs were set to become effective on June 19, 2020 and that the County shall adopt the maps to maintain participation in the NFIP.
- In addition to updated FIRMs, the County has received comments from FEMA (April 2, 2020) and the Washington State Department of Ecology (DOE) (October 24, 2019) indicating a number of amendments to Snohomish County Code Chapters 30.43C and 30.65 that need to be made to maintain active membership in the NFIP.
- Due to the statewide response to the COVID public health emergency, the Planning Commission was unable to hold a public hearing on the proposed amendments. RCW 36.70A.390 and SCC 30.73.090 to allow the County Council to enact interim official controls that are effective for up to six months, as an emergency action without receiving a recommendation from the Planning Commission.
- This proposed ordinance would adopt the updated FIS, FIRMs, and the necessary amendments to SCC that ensure continued compliance with the NFIP standards as interim official controls.

Title Ordinance No. 20-____, 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

Description Proposed non-project proposal to amend Snohomish County Code (SCC) Title 30 to adopt an updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) and associated code amendments as interim official controls.

Date: May 1, 2020

Staff Contact: Mitchell Brouse, Senior Planner, mitchell.brouse@snoco.org

	Place an "X" in the appropriate box				Comments
	Increase	Decrease	Neutral	Uncertain	
Housing					
Capacity/Targets			X		
Cost of Housing Development:			X		The updated flood maps may result in minor shift in development costs, but it is unlikely to result in an overall increase to costs.
• Infrastructure			X		
• Site			X		
• Building const.			X		
• Fees			X		
• Yield			X		
Timing			X		
Jobs					
Capacity/Targets			X		
Cost of Commercial or Industrial Development:			X		The updated flood maps may result in minor shift in development costs, but it is unlikely to result in an overall increase to costs.

This form is intended to provide a summary analysis of the impact changes to development regulation may have on Residential, Commercial or Industrial Development.

• Infrastructure			X		
• Site			X		
• Building const.			X		
• Fees			X		
• Yield			X		
Time to Create Jobs			X		
# Family Wage Jobs			X		

This form is intended to provide a summary analysis of the impact changes to development regulation may have on Residential, Commercial or Industrial Development.

ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON CAPITAL FACILITIES AND UTILITIES

Title Ordinance No. 20-____, 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

Description Proposed non-project proposal to amend Snohomish County Code (SCC) Title 30 to adopt an updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) and associated code amendments as interim official controls.

Date: May 1, 2020

Staff Contact: Mitchell Brouse, Senior Planner, mitchell.brouse@snoco.org

	Place an "X" in the appropriate box			Comments
	Increase	Decrease	Neutral	
County Provided				
• Airport			X	No impacts are anticipated.
• General Government			X	No impacts are anticipated.
• Law and Justice			X	No impacts are anticipated.
• Parks			X	No impacts are anticipated.
• Roads			X	No impacts are anticipated.
• Solid Waste			X	No impacts are anticipated.
• Surface Water			X	No impacts are anticipated.
Non-County Provided				
• Electric Power			X	No impacts are anticipated.
• Fire Suppression			X	No impacts are anticipated.
• Public Water Supply			X	No impacts are anticipated.
• Sanitary Sewer			X	No impacts are anticipated.
• Telecommunications			X	No impacts are anticipated.

This form is intended to provide a summary analysis of the impact changes to development regulation may have on county and non-county provided capital facilities and utilities.

**ORDINANCE
INTRODUCTION SLIP**

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.5

TO: Clerk of the Council

FILE ORD 20-029

TITLE OF PROPOSED ORDINANCE:

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

~~~~~  
N. Neh 5/7/2020  
\_\_\_\_\_  
Councilmember Date

~~~~~  
Clerk's Action: Proposed Ordinance No. 20-029

Assigned to: Committee of teh Whole Date: 05/11/20

~~~~~  
**STANDING COMMITTEE RECOMMENDATION FORM**

The following action item was considered by Committee of the Whole  
(name of Committee)

on 05/11/20. By a vote of 5 Yeas and 0 Nays, the  
(date)

Committee makes the following recommendation: Set for public hearing May 27, 2020,  
at the hour of 10:30 a.m.

- \_\_\_\_\_ Move to Council to schedule public hearing
- \_\_\_\_\_ Move to Council as amended to schedule public hearing
- \_\_\_\_\_ Move to Council with no recommendation

**This item should/should not be placed on the Consent Agenda.**  
(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

**This item should/should not be placed on the Administrative Matters Agenda**  
(Administrative Matters agenda may be used for routine action to set time and date for public hearings)

\_\_\_\_\_  
Committee Chair

**Snohomish County Council**

**Committee:** Planning & Community Development      **Analyst:** Yorik Stevens-Wajda  
**ECAF:** 7 0287  
**Proposal:** Proposed Ordinance 20-029      **Date:** May 8, 2020

**Consideration**

Ordinance 20-029 would adopt revised flood insurance rate maps and amend the county's floodplain management regulations.

**Background**

The [National Flood Insurance Program](#) aims to reduce the impact of flooding on private and public structures by providing affordable insurance to property owners, renters and businesses and by encouraging communities to adopt and enforce floodplain management regulations.

Flood insurance rate maps and the associated flood insurance study are issued by the Federal Emergency Management Agency (FEMA) and are used to demonstrate flood risk and determine flood insurance premiums under the program. These maps and associated study are periodically updated by FEMA in a process that includes opportunities for community participation, review, and appeal, after which local adoption is required.

The [Department of Ecology](#) is the state agency responsible for coordinating floodplain management regulations in Washington, and reviews and approves local floodplain management ordinances.

Snohomish County has worked with FEMA and Ecology through a 13-year process to review the floodplain management regulations and flood insurance rate maps for the county.

**Current Proposal**

The proposed ordinance would adopt new flood insurance rate maps that become effective on June 19, 2020, and revise the county's floodplain management regulations consistent with FEMA and Ecology requirements. Notable amendments include:

- Adding a new code section regulating a new *shallow flooding area* classification along the Sultan and Skykomish Rivers (section 21 and 25 on pages 30-31 and 34).
- Adding a new code section regulating a new *coastal high hazard area* classification along the coast of Puget Sound (section 22 and 28 on pages 31-33 and 34).
- Adding a new code section that identifies a county floodplain administrator and assigns duties and responsibilities (sections 9 and 10 on pages 11-13).
- Adding a new code section that establishes standards for livestock flood sanctuaries (section 17 on pages 22-23).

**Handling:** *Urgent* – the ordinance must be effective by June 19, 2020 to maintain the county’s participation in the National Flood Insurance Program.

Given the upcoming deadline and the significant adverse impacts to the county that would occur if the deadline were to be missed, staff recommends deeming the proposed ordinance *necessary and routine* for the purposes of compliance with Governor’s Proclamation 20-28, as amended.

**Executive Recommendation:** Approve

**Planning Commission Recommendation:** The planning commission heard a briefing on the flood rate maps and associated code amendments on February 25, 2020 ([minutes](#), [audio](#)), but is prevented by the current state of emergency from holding a public hearing and making a recommendation. Accordingly, this ordinance is structured as an emergency action pursuant to RCW 36.70A.390 and SCC 30.73.090, exempt from planning commission consideration.

**Fiscal Impacts:** No impact

**Approved-as-to-form:** Yes