## Index of Records

**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**
- **Nate Nehring**

### PDS Staff:
- **Mitchell Brouse**

### DPA:
- **Justin Kasting**

*Click on exhibit number to view document*

<table>
<thead>
<tr>
<th>EXHIBIT</th>
<th>RECORD TYPE</th>
<th>TO</th>
<th>FROM/BY</th>
<th>DATE</th>
<th>DATE IN</th>
<th>DESCRIPTION</th>
<th># OF PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0003</td>
<td>Staff Report</td>
<td>Planning Commission</td>
<td>PDS Staff</td>
<td>02/18/20</td>
<td></td>
<td>Code Update for Digital Flood Insurance Rate Maps (Briefing)</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1.1</td>
<td>Ordinance</td>
<td>Council</td>
<td>Executive</td>
<td>05/06/20</td>
<td></td>
<td>Introduced Ordinance</td>
<td>44</td>
</tr>
<tr>
<td>3.1.2</td>
<td>ECAF</td>
<td>Council</td>
<td>Executive/PDS</td>
<td>04/27/20</td>
<td>05/06/20</td>
<td>Transmitting Executive recommended Ordinance</td>
<td>2</td>
</tr>
<tr>
<td>3.1.3</td>
<td>Analysis</td>
<td>Council</td>
<td>PDS</td>
<td>05/01/20</td>
<td>05/06/20</td>
<td>Analysis of Building and Land Use Regulation Effects on Housing and Jobs</td>
<td>2</td>
</tr>
<tr>
<td>3.1.4</td>
<td>Analysis</td>
<td>Council</td>
<td>PDS</td>
<td>05/01/20</td>
<td>05/06/20</td>
<td>Capital Facility Development Cost Analysis Summary</td>
<td>1</td>
</tr>
<tr>
<td>3.1.5</td>
<td>Introduction</td>
<td>Council</td>
<td>Nate Nehring</td>
<td>05/07/20</td>
<td></td>
<td>Introduction Slip</td>
<td>1</td>
</tr>
<tr>
<td>EXHIBIT</td>
<td>RECORD TYPE</td>
<td>TO</td>
<td>FROM/BY</td>
<td>DATE</td>
<td>DATE IN</td>
<td>DESCRIPTION</td>
<td># OF PAGES</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>----------</td>
<td>--------------------------</td>
<td>--------</td>
<td>---------</td>
<td>---------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>3.2</td>
<td>Council Planning Committee Materials</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.2.1</td>
<td>Staff Report</td>
<td>Council</td>
<td>Yorik Stevens-Wajda, Council Staff</td>
<td>03/13/20</td>
<td>Council Staff Report</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.3</td>
<td>Correspondence, Comments, Testimony</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.4</td>
<td>Staff Reports and Submissions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td>Public Participation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.6</td>
<td>Council Deliberations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Index of Records

**Part 1 - DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES**

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

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

<table>
<thead>
<tr>
<th>Exhibit #</th>
<th>Record Type</th>
<th>Date</th>
<th>Received From</th>
<th>Exhibit Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0001</td>
<td>Public Participation</td>
<td>2/25/2020</td>
<td>Planning Commission</td>
<td>Planning Commission Agenda (Briefing)</td>
</tr>
<tr>
<td>2.0002</td>
<td>Public Participation</td>
<td>2/25/2020</td>
<td>The Herald</td>
<td>Affidavit of Agenda publication in The Herald (Briefing)</td>
</tr>
<tr>
<td>2.0003</td>
<td>Legislative Documents</td>
<td>2/25/2020</td>
<td>PDS Staff</td>
<td>Staff Report (Briefing)</td>
</tr>
<tr>
<td>2.0004</td>
<td>Public Participation</td>
<td>2/25/2020</td>
<td>PDS Staff</td>
<td>Presentation (Briefing)</td>
</tr>
<tr>
<td>2.0005</td>
<td>Public Participation</td>
<td>2/25/2020</td>
<td>Planning Commission</td>
<td>Planning Commission Written Meeting Minutes (Briefing)</td>
</tr>
<tr>
<td>2.0006</td>
<td>Public Participation</td>
<td>2/25/2020</td>
<td>Planning Commission</td>
<td>Planning Commission Recording of Meeting (Briefing)</td>
</tr>
<tr>
<td>2.0007</td>
<td>Public Participation</td>
<td>3/17/2020</td>
<td>Planning Commission</td>
<td>Planning Commission Agenda (Hearing) - Cancelation</td>
</tr>
</tbody>
</table>

*Contact the Clerk of the Council for copies of Part 2 Exhibits 425-388-3494 or contact.council@snoco.org*
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
WHEREAS, chapter 30.65 SCC includes standards and restrictions for development in
the special flood hazard areas; and

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

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

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

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

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

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

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

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

WHEREAS, on March 23, 2020, responding to the COVID-19 public health emergency,
prohibiting all Washington residents from leaving their homes and closing all non-essential
business operations including many normal governmental functions; and

WHEREAS, proper notice was provided for the Planning Commission’s March 24, 2020,
public hearing, but in response to Proclamation 20-25, and to protect the health and safety of
planning commissioners, County staff, and the general public, the hearing was canceled; and
WHEREAS, pursuant to SCC 30.73.040, the Snohomish County Council (“County Council”) cannot consider Type 3 legislation that has not had a public hearing nor received a recommendation from the Planning Commission unless an exemption under SCC 30.73.040(2) is applicable; and

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

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

WHEREAS, Revised Code of Washington (RCW) 36.70A.390 and SCC 30.73.090 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; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED:

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

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

B. Snohomish County could be suspended from the NFIP if the updated FIS, FIRMs, and flood hazard regulations that are compliant with the standards of the NFIP are not adopted by June 19, 2020. Suspension could result in lapse of flood insurance coverage for residents of Snohomish County. This possibility justifies and requires that the minimum regulations
proposed in this ordinance are adopted as interim official controls via emergency action under SCC 30.73.090 and RCW 30.70A.390.

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

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

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

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

1. Amend SCC 30.43C.020 to clarify that a flood hazard permit is required for any development in a special flood hazard area as that phrase is defined in SCC 30.91D.250.

2. Amend SCC 30.43C.030 to require additional submittal requirements for proposals that will alter the base flood elevation, the boundaries of a special flood hazard area, or both.

3. Add SCC 30.43C.220 stating that enforcement of chapter 30.43C SCC is accomplished under the provisions of chapter 30.85 SCC.

4. Amend SCC 30.65.040 to adopt the FIS and FIRMs that will become effective on June 19, 2020.

5. Add SCC 30.65.060 to recognize that the provisions of chapter 30.65 SCC are not intended to affect any existing easements, covenants, or deed restrictions and requiring the imposition of the more stringent restrictions when chapter 30.65 SCC conflicts or overlaps with any existing easements, covenants, or deed restrictions.

6. Amend chapter 30.65 SCC by adding new section SCC 30.65.070 to designate a floodplain administrator and new section SCC 30.65.075 to assign duties and responsibilities to the floodplain administrator.

7. Amend SCC 30.65.100 to prohibit construction, substantial improvements or development within the AE zone unless an applicant demonstrates the cumulative effect
of the proposed development when combined with existing and anticipated development will not increase the water surface elevation of the base flood more than one foot.

8. Amend SCC 30.65.110 and SCC 30.65.120 to update floodproofing standards for consistency with general federal regulations.

9. Amend SCC 30.65.125 for consistency with federal regulations.

10. Amend SCC 30.65.130 to clarify that an elevation certificate, when required, shall use the current version of the FEMA prepared form.

11. Amend SCC 30.65.140 to require the County’s floodproofing certificate be consistent with that required by FEMA for the administration of the NFIP.

12. Amend chapter 30.65 SCC by adding new section SCC 30.65.170 recognizing that livestock flood sanctuaries are allowed in certain instances in special flood hazard areas and establishing standards for the use of livestock flood sanctuaries on agricultural land.

13. Amend SCC 30.65.220 to update regulations related to the repair or reconstruction of non-farmhouse residences that are substantially damaged during a flood event. The amendments are necessary to ensure the County’s regulations are consistent with federal regulations.

14. Amend SCC 30.65.230 to prohibit proposed encroachments in a floodway unless an applicant provides a certification from a relevant professional confirming the proposal will not result in an increase of flood levels during a base flood.

15. Amend SCC 30.65.240 to recognize that the density fringe area includes those areas so designated in the updated FIS and on the updated FIRMs.

16. Add a new section SCC 30.65.290 to adopt standards for development in shallow flooding areas.

17. Add a new section SCC 30.65.295 to adopt standards for development in coastal high hazard areas.

18. Add SCC 30.65.350 stating that enforcement of chapter 30.65 SCC is accomplished under the provisions of chapter 30.85 SCC.

19. Amend chapters 30.91A, 30.91B, 30.91C, 30.91D, 30.91F, 30.91H, 30.91L, 30.91M, 30.91N, 30.91R, and 30.91S SCC to both update existing definitions and add new
required definitions related to special flood hazard areas to ensure consistency with NFIP
standards and maintain participation in the program.

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

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

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

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

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

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

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

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

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

The proposed amendments will facilitate implementation of this planning goal, this
planning objective, and these planning policies by improving the regulatory protection of
frequently flooded areas. The proposed amendments will adopt floodplain management
regulations and FIRMs that incorporate the newest scientific analysis into determination
of flood risk. Finally, adoption of updated maps and updated codes is required for continued participation in the NFIP and CRS.

I. Procedural requirements.

1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on May 5, 2020.

2. The proposal adopts interim official controls pursuant to RCW 36.70A.390 and is an emergency action under SCC 30.73.090 because the recent COVID-19 public health emergency prevented the County from completing its normal legislative process for this Type 3 legislative action in a manner that protects the health and safety of planning commissioners, County staff, and the general public.

3. This proposal is an emergency action, and, as provided in SCC 30.73.040(2)(a), Planning Commission review is not required.

4. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on April 22, 2020.

5. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and the SCC.

6. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General’s 2018 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

II. The proposed amendments are consistent with the record.

1. County residents and property owners can purchase affordable flood insurance that helps offset the risk of flood damage because of the County’s participation in the NFIP.

2. As a condition of participation in the NFIP, the County is required to adopt FEMA-published FIS and FIRMs and floodplain management regulations that are consistent with NFIP standards.
3. The proposed Code amendments are necessary for continued compliance with the requirements of the NFIP. The regulations that accompany the updated FIS and FIRMs were developed based on the requirements found both in federal regulations and state law as well as with guidance provided by the Department of Ecology.

4. The County’s new FIS and updated FIRMs will become effective on June 19, 2020.

5. Under 44 CFR § 60.2(a), to maintain active membership in the NFIP, the County is required to adopt the updated study and maps and adopt amendments to the floodplain development regulations no later than June 19, 2020.

6. The code amendments proposed by this ordinance will adopt the updated FIS and FIRMs and make all changes to the Code required for continued participation in the NFIP.

7. In response to the COVID-19 public health emergency, Washington State Governor Jay Inslee issued Proclamation 20-25, “Stay Home – Stay Healthy.” The proclamation significantly impacted normal County governmental operations and prevented the Planning Commission from considering these amendments during a public hearing. Likewise, the Planning Commission was unable to provide the County Council with a recommendation on the proposed changes with sufficient time for the County Council to consider and approve this legislation prior to the federally-mandated June 19, 2020, deadline.

Section 2. The County Council makes the following conclusions.

1. The proposed amendments are consistent with the goals, policies, and objectives of the GPP.

2. The proposed amendments are consistent with NFIP standards, Washington State Law, and the SCC.

3. The County has complied with all SEPA requirements with respect to this non-project action.

4. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

5. Approval of this ordinance prior to June 19, 2020, is necessary to ensure continued flood insurance coverage for Snohomish County residents. Governmental response to the COVID-19 public health emergency prevented completion of the normal legislative process, necessitating emergency action as allowed under SCC 30.73.090 and adopting the required flood hazard regulations as interim official controls under RCW 36.70A.390.
Section 3. The County Council bases its findings and conclusions on the entire record of
the County Council, including all testimony and exhibits. Any finding which should be deemed a
conclusion, and any conclusion that should be a finding, is hereby adopted as such.

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

30.43C.020 Flood hazard permit.

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

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

30.43C.030 Additional submittal requirements.

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

(1) Name of the stream or body of water associated with the floodplain in which the
development is proposed;

(2) General location of the proposed development, including direction and distance from the
nearest town or intersection;

(3) Site plan map showing:

   (a) Site boundaries;

   (b) Location and dimensions of the proposed development or structure;

   (c) Location and volume of any proposed fill material; and
(d) Location of existing structures;

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

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

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

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

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

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

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

30.43C.220 Enforcement.

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

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

30.65.040 Special flood hazard areas established.

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

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
PAGE 10 OF 44
or digital format, together with the corresponding U.S. army corps of engineers river study maps, accompanying Flood Insurance Rate Maps (FIRMs) dated June 19, 2020, are adopted herein by reference and declared to be a part of this chapter and are hereby established as special flood hazard areas for the purposes of this chapter. The FIS and FIRMs are on file at 3000 Rockefeller Avenue, Everett, Washington 98201.

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

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

30.65.060 Existing easements, covenants, and deed restrictions.

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

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

30.65.070 Designation of the floodplain administrator.

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

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

30.65.075 Duties and responsibilities of the floodplain administrator.

The duties of the floodplain administrator shall include:

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

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

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

(c) The proposed development is not located in the floodway. If the development is located in the floodway, assure the provisions of SCC 30.65.230(b) are met.
(2) Notify FEMA when annexations occur in the special flood hazard area.

(3) When base flood elevation has not been provided in A or V Zones under SCC 30.65.040, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source to administer SCC 30.65.120, SCC 30.65.220, and SCC 30.65.230.

(4) Obtain and maintain the following information:

(a) Where base flood elevation is provided through the FIS, FIRM, or based on information obtained under SCC 30.65.075(3), obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially-improved structures, and whether the structure contains a basement.

(b) In V and VE zones, documentation of the bottom of the lowest horizontal structural member.

(c) For all new or substantially-improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or based on information obtained under SCC 30.65.075(3):

(i) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and

(ii) Maintain the floodproofing certifications required in SCC 30.65.130.

(d) Certifications required by SCC 30.65.230(1)(b).

(e) Records of all decisions regarding flood hazard area variances under chapter 30.43D SCC.

(f) Improvement and damage calculations for residential and nonresidential structures located in the special flood hazard area.

(g) Maintain for public inspection all records pertaining to the provisions of chapter 30.43C and this chapter which include:

(i) floodproofing certificates;

(ii) information on the elevation of the lowest floor for all new or substantially improved structures;
(iii) whether new or substantially improved structures contain a basement; and

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

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

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

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

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

30.65.100 Floodproofing: use of available data.

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

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

(3) In areas where base flood elevation data has been provided, when a regulatory floodway (for a stream) has not been designated, (the county may require that applicants for) no new construction (and) substantial improvements, or other development (including fill) shall be permitted within zone AE on the applicable FIRM, unless the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the jurisdiction of the county (reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of
existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3(b)(3) and (4) and (C)(10) of the National Flood Insurance Program regulations).

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

30.65.110 Floodproofing: general standards.

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

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

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

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

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

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

(b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement. (Minimum anchoring requirements shall be those established by chapter 30.54A SCC.)

Anchoring methods may include use of over-the-top or frame ties to ground anchors.

(2) Construction materials and methods.

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

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

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

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

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

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

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

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

((3)) (5) Subdivision proposals. All subdivision, short subdivision, binding site plan, planned residential development, or rural cluster subdivision proposals shall:

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

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

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

(d) Include the base flood elevation data.

((4)) (6) Watercourse alterations. The flood carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities and the State Department of Ecology, and submit evidence of such notification to FEMA of the proposed development.
Section 13. Snohomish County Code Section 30.65.120, last amended by Amended Ordinance 07-005 on February 21, 2007, is amended to read:

**30.65.120 Floodproofing: specific standards.**

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

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

2. Residential construction.

   a. (New) In AE and A1-30 zones or other A zoned areas, where the base flood elevation has been determined, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above base flood elevation.

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

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

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

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

      ii. the bottom of all openings shall be no higher than one foot above the interior and exterior lowest grades;
(iii) openings may be equipped with screens, louvers, or other coverings or devices only if they permit the automatic entry and exit of floodwaters((i)); and

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

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

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

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

(iii) Not be used for human habitation;

(iv) Include adequate hydrostatic flood openings;

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

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

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

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

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

(3) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; or, together
(a) Be elevated consistent with the following standards:

(i) In AE or unnumbered A zoned areas where the base flood elevation has been determined, structures shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the base flood elevation, or as required by ASCE 24, whichever is greater.

(ii) In AO zones, structures shall meet the requirements of SCC 30.65.290.

(iii) In V or VE zones, structures shall meet the requirements of SCC 30.65.295.

(iv) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and they comply with SCC 30.65.110(4). Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

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

(B) the bottom of all openings shall be no higher than one foot above grade; and

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

(b) Be dry floodproofed so that below one foot or more above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater. The following standards also apply:

(i) Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
(ii) The structure shall be certified by a registered professional engineer or architect that the design and methods of construction meet accepted standards of practice and satisfy the provisions of SCC 30.65.120(3)(b) based on their development or review of the structural design, specifications, and plans. The certifications shall be provided to the floodplain administrator pursuant to SCC 30.65.130.

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

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

(e) Must also comply with SCC 30.65.120(2)(b).)))

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

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

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

(c) Not be used for human habitation;

(d) Include adequate hydrostatic flood-openings;

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

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

(g) Must be anchored to prevent flotation, collapse or lateral movement;
(h) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevations; and

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

((5)) (4) Mobile homes.

(a) All mobile homes that are placed or substantially improved in special flood hazard areas shall be elevated on a permanent foundation and shall be securely anchored to an adequately anchored foundation system in accordance with SCC 30.65.110(1)(b) to resist flotation, collapse and lateral movement, and shall have the lowest floor elevated a minimum of one foot above the base flood elevation.

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

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

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

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

(c) Be limited in the floodways to day use only (dawn to dusk) during the flood season (October 1 through March 30) with the following exceptions:

(i) Recreational vehicle use associated with a legally occupied dwelling to accommodate overnight guests for no more than a 21-day period;

(ii) Temporary overnight use by farm workers on the farm where they are employed subject to SCC 30.22.130(19)(a) and (b) above; and

(iii) Subject to SCC 30.22.120(7)(a) and (b), temporary overnight use in a mobile home park which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the Department
When fill is permitted to be used as an elevation/floodproofing technique, it shall be designed and installed so that it is properly compacted, sloped and armored to resist potential flood velocities, scouring and erosion during flooding.

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

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

30.65.125 General standards for all crawlspace construction.

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

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

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

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

(d) Any building utility systems including ductwork within the crawlspace must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork must either be placed one foot above the base flood elevation or sealed from floodwaters.

Section 15. Snohomish County Code Section 30.65.130, last amended by Amended Ordinance 05-068 on September 7, 2005, is amended to read:

**30.65.130 Elevation and floodproofing certification.**

Certification shall be provided to verify that the minimum floodproofing and elevation standards of SCC 30.65.110 and 30.65.120 flood hazard protection standards have been satisfied. Certification shall be required only for the new construction or substantial improvement of any residential, commercial, industrial or non-residential structure located in a special flood hazard area, except that agricultural structures constructed in accordance with the wet floodproofing standards of SCC 30.65.120 (4) (a), (b) and (c) shall not require certification. A completed current FEMA elevation certificate ((form 81-31)) shall be required in accordance with National Flood Insurance Program regulations and standards.

Section 16. Snohomish County Code Section 30.65.140, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.65.140 Certification form.**

The form of the elevation and floodproofing certificate shall be specified by the department and shall be ((generally)) consistent with that required by FEMA for the administration of the national flood insurance program.

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

**30.65.170 Livestock flood sanctuaries.**

Elevated areas for the purpose of creating a flood sanctuary for livestock in special flood hazard areas are allowed on farms consistent with the following standards:

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

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

(4) Structures are prohibited on livestock flood sanctuaries;

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

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

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

30.65.220 Floodways: permitted uses.

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

(1) Agriculture;

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

(3) Preserves and reservations;

(4) Park and recreational activities;

(5) Removal of rock, sand and gravel, when the applicant can provide clear and convincing evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of chapter 30.31D SCC and the county shoreline management program;
(6) Utility transmission lines when allowed in underlying zones unless otherwise prohibited by this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway en route to another destination, as opposed to serving customers within a floodway, such transmission lines shall conform to the following:

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

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

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

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

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

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

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

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

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

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

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

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

(b) There is no potential building site for a replacement farmhouse on the same farm
outside the designated floodway;
(c) The farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within 90 days after occupancy of the new farmhouse;

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

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

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

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

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

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

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

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

(b) Before the repair, replacement, or relocation is started, all applicable requirements of the National Flood Insurance Program, chapter 86.16 RCW, chapter 30.43C SCC, and this chapter must be satisfied. In addition, the following conditions must be met:
(i) There is no potential building location for the replacement residential structure on the same property outside the regulatory floodway;

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

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

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

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

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

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

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

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

(a) The State Department of Ecology, pursuant to RCW 86.16.041(4) and (5), assesses the risk of harm to life and property posed by the specific conditions of the floodway at any proposed building site, and based upon scientific analysis of depth, velocity, and flood-related erosion recommends to the county that a waiver to the floodway prohibition of RCW 86.16.041(2)(a) for repair, replacement or relocation of such structures is authorized for a specific building location.
(b) Repair, replacement or relocation of such structures is permitted only when authorization required pursuant to 30.65.220(8)(a) is given in writing by the state department of ecology pursuant to RCW 86.16.041(4) and (5).)

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

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

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

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

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

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

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

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

30.65.230 Floodways: prohibited uses.

(1) The following uses/development are prohibited in the floodway:
(a) Any structure, including mobile homes designed for, or to be used for, human
habitation of a permanent nature (including temporary dwellings authorized by SCC
30.22.130 except as provided by SCC 30.65.220(7) and (8) and (9)).

(b) All encroachments, including fill, new construction, and other development unless
demonstrating through hydrologic and hydraulic analyses performed in accordance with
standard engineering practice that the proposed encroachment ((together with the cumulative effects of all similar potential encroachments shall not
materially cause water to be diverted from the established floodway, cause erosion,
obstruct the natural flow of water, reduce the carrying capacity of the floodway, or)) will
not result in any increase in flood levels during the occurrence of the base flood
discharge.

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

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

   (i) The filling of marshlands;

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

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

   (iv) Critical facilities as defined in this title.

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

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

30.65.240 Density fringe area.

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

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

(a) Areas designated on the “Flood Insurance Study (FIS) for Snohomish County, Washington and Incorporated Areas” (as amended in paper or digital format) the Flood Insurance Rate Maps (FIRMs) dated June 19, 2020.

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

Section 21. A new section is added to Snohomish County Code Chapter 30.65 to read:

30.65.290 Shallow flooding areas: standards.

Areas of shallow flooding appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three 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 applicable provisions in this code, the following provisions apply in AO zones:

(1) New construction and substantial improvements of residential structures and mobile 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 applicable 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 floodproofed to a level above the highest adjacent grade that equals or exceeds the depth number specified on
the FIRM (at least two feet if no depth number is specified) plus one foot. Any space below that level must be watertight with walls substantially impermeable to the passage of water and have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Compliance shall be certified by a registered professional engineer or architect under SCC 30.65.130.

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

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

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

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

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

30.65.295 Coastal high hazard areas: standards.

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

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

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

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

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

(b) The pile or column foundation and the structure attached there to must be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each
have a one percent chance of being equaled or exceeded in any given year (100-year mean
recurrence interval).

(c) A registered professional engineer or architect must 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 consistent with accepted standards of practice for
meeting the provisions of SCC 30.65.295(1)(a) and (b).

(2) The applicant shall provide 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 applicable FIRM and
determine whether such structures contain a basement.

(3) All new construction within zones V1-30, VE, and V on the applicable FIRM shall be located
landward of the reach of mean high tide.

(4) All new construction and substantial improvements within zones V1-30, VE, and V on the
applicable FIRM shall 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 walls shall be designed and constructed to have a safe loading resistance of
not less than ten and not more than twenty pounds per square foot; or

(b) Use of breakaway walls which exceed a design safe loading resistance of twenty pounds
per square foot (either by design or when so required by local or state codes) may be
permitted only when:

(i) A registered professional engineer or architect certifies that the proposed design meets
the following conditions:

(A) Breakaway wall collapse will result from a water load less than that which would
occur during the base flood; and

(B) The elevated portion of the building and supporting foundation system is not
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).
(ii) The enclosed space created by breakaway walls is useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

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

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

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

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

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

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

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

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

**30.65.350 Enforcement.**

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

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

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

"Alteration of watercourse" means any action that will change the location of the channel occupied by the water within the banks of any portion of a riverine waterbody.
Section 25. A new section is added to Snohomish County Code Chapter 30.91A to read:

30.91A.268 Area of shallow flooding.

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

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

30.91B.022 Base flood elevation.

"Base flood elevation" or “BFE” means the elevation to which floodwater is anticipated to rise during the base flood.

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

30.91B.152 Breakaway wall.

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

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

30.91C.130.1 Coastal high hazard area.

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

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

30.91D.250 Development in special flood hazard areas.

"Development in special flood hazard areas" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, ((dams, walls, wharves, embankments, levees, dikes, piles, bridges, improved roads, abutments,))
projections, channel rectifications, conduits, culverts, wires, fences, rocks, gravel, refuse
deposits, mining, dredging, filling, grading, paving, excavation or drilling operations, (and
works as defined in this subtitle) and storage of equipment or materials within the area of
special flood hazard.

This definition applies only to “Flood hazard” regulations in ((chapter)) chapters 30.43C,
30.43D, and 30.65 SCC.

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

30.91F.130 Farmhouse.

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

This definition applies only to ((chapters)) the “Flood hazard” regulations in chapters 30.43C,
30.43D and 30.65 SCC.

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

30.91F.360 Flood or flooding.

"Flood or flooding" means either:

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

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

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

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

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

30.91F.370 Flood hazard area, special.

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

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

30.91F.390 Flood insurance rate map.

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

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

30.91F.400 Flood insurance study.

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

Section 35. Snohomish County Code Section 30.91F.410, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:
30.91F.410 Floodplain or flood-prone area.

"Floodplain" or "flood-prone area" means ((a land area adjoining a river, stream, watercourse, ocean, bay, or lake which is likely to be flooded. The extent of the floodplain may vary with the frequency of flooding being considered. The floodplain typically consists of the floodway and the floodway fringe.)) any land area susceptible to being inundated by water from any source. (See figure 30.91F.410 for illustration.)

**Figure 1 (SCC Figure 30.91F.410)**
Section 36. A new section is added to Snohomish County Code Chapter 30.91F to read:

**30.91F.418 Floodplain administrator.**

"Floodplain administrator" means the community official designated to administer and enforce the flood hazard regulations in chapters 30.43C, 30.43D, and 30.65 SCC.
Section 37. Snohomish County Code Section 30.91F.430, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.91F.430 Floodway.**

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

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

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

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

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

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

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

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

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

**30.91H.118 Historic structure.**

"Historic structure" means any structure that is:

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

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

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

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

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

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

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

30.91L.220 Lowest floor.

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

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

30.91L.223 Lowest horizontal structural member.

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

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

30.91M.065 Mean sea level.

"Mean sea level" for purposes of the National Flood Insurance Program, means the vertical datum to which base flood elevations (BFE) shown on a flood insurance rate map (FIRM) are referenced.
Section 44. Snohomish County Code Section 30.91N.040, added by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.91N.040 New construction.**

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

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

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

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

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

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

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

"Start of construction" means the date a building permit was issued, for permanent construction of a structure or substantial improvement of a structure on a site) or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

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

30.91S.750 Substantial improvement.

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

1. The cost of the repair, reconstruction, or improvement must equal or exceed 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started, or

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

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

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

4. This term does not include:

(a) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which have been identified by the (county or other agency with jurisdiction) local code enforcement official and (which) are the minimum necessary to assure safe living conditions; or
((44)) (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

This definition applies only to "Flood hazard" regulations in chapter 30.43C, 30.43D and 30.65 SCC.

Section 48. Expiration. The interim official controls adopted by this ordinance shall automatically expire and be deemed to have been repealed six months from the effective date of this ordinance unless renewed or otherwise extended prior to such date as allowed under RCW 36.70A.390.

Section 49. Renewal. Under RCW 36.70A.390, this ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and finding of facts are made prior to each renewal.

Section 50. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this ____ day of _______, 2020.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

____________________________
Council Chair

ATTEST:

____________________________
Clerk of the Council
( ) APPROVED

( ) EMERGENCY

( ) VETOED DATE: _________________

____________________________
County Executive

ATTEST:

____________________________

Approved as to from only:

[Signature]
Deputy Prosecuting Attorney

5/4/20

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
PAGE 44 OF 44
MEMORANDUM

TO: Snohomish County Planning Commission
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)**

![Diagram showing floodplain and floodway](DFIRM_Index # - File Name: 2.0003 - Planning Commission Staff Report_DFIRM Phase 1_2.18.20.pdf)
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; costal 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.
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)).
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)).
MANAGEMENT ROUTING: TO: EXECUTIVE/COUNCIL APPROVAL FORM

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

CEO

EXECUTIVE RECOMMENDATION:

X Approve ______ No Recommendation
Further Processing Requested By

X 05/06/2020
Ken Klein, Executive Director

FILE ORD 20-029

EXECUTIVE/COUNCIL APPROVAL FORM SNOHOMISH COUNTY COUNCIL

DOCUMENT TYPE:

_____ BUDGET ACTION:
_____ Emergency Appropriation
_____ Supplemental Appropriation
_____ Budget Transfer

_____ CONTRACT:
_____ New
_____ Amendment

GRANT APPLICATION

X 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 X

CITE BASIS

HANDLING: NORMAL ______ EXPEDITE ______ URGENT X 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.
**FISCAL IMPLICATIONS:**

<table>
<thead>
<tr>
<th>EXPEND:</th>
<th>CURRENT YR</th>
<th>2ND YR</th>
<th>1ST 6 YRS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REVENUE:</th>
<th>CURRENT YR</th>
<th>2ND YR</th>
<th>1ST 6 YRS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**DEPARTMENT FISCAL IMPACT NOTES:**
No fiscal impacts anticipated and no budget action needed.

**BUDGET REVIEW:**
Analyst: D M
Administrator: N K
Recommend Approval: √

**CONTRACT INFORMATION:**

<table>
<thead>
<tr>
<th>ORIGINAL</th>
<th>CONTRACT #</th>
<th>AMOUNT $</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMENDMENT</td>
<td>CONTRACT #</td>
<td>AMOUNT $</td>
</tr>
</tbody>
</table>

**CONTRACT PERIOD:**

<table>
<thead>
<tr>
<th>ORIGINAL</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMENDMENT</td>
<td>Start</td>
<td>End</td>
</tr>
</tbody>
</table>

**CONTRACT / PROJECT TITLE:**

**CONTRACTOR NAME & ADDRESS (City/State only):**

**APPROVED:**

- Risk Management: Yes X No ___

**COMMENTS**

Sheila Barker 5/5/2020

**PROSECUTING ATTY - AS TO FORM:**

Yes X No ___

**OTHER DEPARTMENTAL REVIEW / COMMENTS:**
None.

**ELECTRONIC ATTACHMENTS:**
(List & include path & filename for each, e.g. G:\ECAF\deptname \docname_Motion)

G:\ECAF\Council\20070287_ECAF  
G:\ECAF\Council\20070287_Capital Facilities Analysis  
G:\ECAF\Council\20070287_Ordinance.doc  
G:\ECAF\Council\20070287_AATF Ordinance.pdf  
G:\ECAF\Council\20070287_Housing and Jobs Analysis  
G:\ECAF\Council\20070287_Summary Notice

**NON-ELECTRONIC ATTACHMENTS:**
ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON HOUSING AND JOBS

Ordinance No. 20-____, RELATING TO GROWTH MANAGEMENT; ADOPTING THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY WASHINGTON AND INCORPORATTED 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

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

<table>
<thead>
<tr>
<th>Place an “X” in the appropriate box</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Housing</strong></td>
<td></td>
</tr>
<tr>
<td>Capacity/Targets</td>
<td>X</td>
</tr>
<tr>
<td>Cost of Housing Development:</td>
<td>X</td>
</tr>
<tr>
<td>• Infrastructure</td>
<td>X</td>
</tr>
<tr>
<td>• Site</td>
<td>X</td>
</tr>
<tr>
<td>• Building const.</td>
<td>X</td>
</tr>
<tr>
<td>• Fees</td>
<td>X</td>
</tr>
<tr>
<td>• Yield</td>
<td>X</td>
</tr>
<tr>
<td>Timing</td>
<td>X</td>
</tr>
<tr>
<td><strong>Jobs</strong></td>
<td></td>
</tr>
<tr>
<td>Capacity/Targets</td>
<td>X</td>
</tr>
<tr>
<td>Cost of Commercial or Industrial Development:</td>
<td>X</td>
</tr>
</tbody>
</table>
This form is intended to provide a summary analysis of the impact changes to development regulation may have on Residential, Commercial or Industrial Development.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Building const.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Fees</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Yield</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Time to Create Jobs</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td># Family Wage Jobs</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON CAPITAL FACILITIES AND UTILITIES

Ordinance No. 20-____, RELATING TO GROWTH MANAGEMENT; ADOPTING THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY WASHINGTON AND INCORPORATTED 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

<table>
<thead>
<tr>
<th>Place an “X” in the appropriate box</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>Decrease</td>
</tr>
</tbody>
</table>

**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

TO: Clerk of the Council

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

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Councilmember  Date  5/7/2020

Clerk’s Action: Proposed Ordinance No. 20-029

Assigned to: Committee of the 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:

________ 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
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