



SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 05-068

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, 30.91S.745 and 30.91U.105 SCC

WHEREAS, Snohomish County participates in the National Flood Insurance Program (NFIP) administered by the federal government through the Federal Emergency Management Agency (FEMA); and

WHEREAS, Snohomish County is required to adopt FEMA prepared flood studies and maintain development regulations consistent with NFIP regulations to maintain eligibility in the NFIP; and

WHEREAS, chapter 30.43C SCC provides the procedural requirements for flood hazard permits; and

WHEREAS, chapter 30.65 SCC codifies the minimum flood plain management standards and regulations of the NFIP set forth in the Code of Federal Regulations at 44 CFR, 60.3 as a condition of eligibility in the NFIP; and

WHEREAS, Subtitle 30.91 SCC includes definitions for all chapters of Title 30 SCC; and

WHEREAS, FEMA notified the County that a final revised Flood Insurance Study (FIS) for Snohomish County, Washington and incorporated areas was completed on March 16, 2005, replacing a previous study being used by the County in the administration of special flood hazard areas; and

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WHEREAS, the FIS dated September 16, 2005, is referenced by FEMA as FIS Number 53061CV001A; and

WHEREAS, the FIS developed flood-risk data for various areas of the community that will be used to establish actuarial flood insurance rates and to assist the community in its efforts to promote sound floodplain management; and

WHEREAS, modifications to the base flood elevations (BFEs) and revised Flood Insurance Rate Maps (FIRMs) were a product of the updated FIS pursuant to federal regulations including Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968), (Public Law 90-448), 42 U.S.C. 40001-4128 and 44 CFR Part 65); and

WHEREAS, the FIS and FIRMs establish and designate the County's special flood hazard areas; and

WHEREAS, pursuant to SCC 30.65.040, the updated Snohomish County Flood Insurance Study and revised Flood Insurance Rate Maps (FIRMs) became effective immediately upon issuance of FEMA's determination that the FIS and revised maps were final; and

WHEREAS, the federal government requires Snohomish County to adopt development regulations consistent with NFIP standards within six months of notification of the final FIS and FIRMs according to Section 1361 of the National Flood Insurance Act of 1968, as amended; and

WHEREAS, Snohomish County must adopt special flood hazard area protection regulations consistent with NFIP regulations by September 16, 2005, to retain eligibility in the NFIP; and

WHEREAS, FEMA reviewed the County's existing flood hazard reduction ordinance and in a letter dated April 19, 2005, identified provisions of existing code that must be updated to comply with NFIP standards; and

WHEREAS, in addition to the code amendments necessary for compliance NFIP standards identified by FEMA, Planning and Development Services identified amendments needed to improve flood hazard permit processing and flood hazard management within designated density fringe special flood hazard areas consistent with FEMA recommendations; and

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WHEREAS, chapter 30.43C SCC provides provisions indicating when flood hazard permits are required; and

WHEREAS, FEMA comments regarding existing flood hazard regulations were incorporated in three draft alternative ordinances forwarded to the Planning Commission on July 12, 2005; and

WHEREAS, further internal review was completed on the draft alternative ordinances after their transmittal to the Planning Commission on July 12, 2005; and

WHEREAS, FEMA comments regarding the three draft alternative ordinances were received on July 18, 2005; and

WHEREAS, a revised ordinance was presented on July 26, 2005, to the Planning Commission that addressed FEMA's comments on the proposed ordinances and limited the proposed legislation to flood hazard regulations; and

WHEREAS, the Planning Commission held a public hearing on the proposal on July 26, 2005, and forwarded a recommendation to the County Council; and

WHEREAS, the County Council held a public hearing on September 8, 2005, to consider the entire record and hear public testimony on Ordinance 05-068.

NOW, THEREFORE, BE IT ORDAINED:

**Section 1.** The County Council makes the following findings of fact:

- A. The foregoing recitals are incorporated herein as findings.
- B. Enactment of the Flood Disaster Protection Act of 1973 linked National Flood Insurance Program (NFIP) participation with federal flood damage assistance.
- C. Compliance with minimum NFIP requirements allows Snohomish County residents to purchase flood insurance.
- D. Flood insurance is required as a financial loan condition for all federal grant and loan programs, federal mortgage insurance programs and conventional bank loans.

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

- E. There are currently 1,410 NFIP flood insurance policies in effect in unincorporated Snohomish County.
- F. FEMA has paid \$7,985,404 in flood damage losses to property owners in unincorporated Snohomish County since its entry into the NFIP program.
- G. Review of the revised Flood Insurance Study for Snohomish County, Washington and incorporated areas was completed by FEMA on March 16, 2005. The new study updates the flood river study used by the county since 1985. The flood study is used as the basis for applying the County's floodplain management provisions in all associate special flood hazard areas (areas lying within the 100-year floodplain).
- H. The revised FIS includes updated Flood Hazard Insurance Rate Maps (FIRMs).
- I. FEMA identified flood hazard code provisions that must be incorporated in the Snohomish County Code to ensure compatibility with the NFIP.
- J. FEMA reviewed the draft ordinance and provided comments related to state and federal flood hazard regulations on July 18, 2005. These comments are addressed in a supplemental staff report dated July 25, 2005, and in this revised ordinance.
- K. Amending SCC 30.65.130 to require the submittal of FEMA elevation certificate, form 81-31, is consistent with a pending change in FEMA requirements to require the submittal of elevation photographs with the elevation certificate.
- L. The proposed ordinance reduces the potential for physical injury and property damage associated with flooding and will improve the County's ability to minimize loss of life and property by restricting uses and clearly regulating development in special flood hazard areas.
- M. There has been early and continuous public participation in the review of the proposed amendments.
- N. The County issued a Determination of Non-Significance (DNS) on July 6, 2005, pursuant to SEPA for the proposal consistent with the provisions of Chapter 197-11 WAC and Chapter 30.61 SCC.

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

- O. The public was notified of the public hearings held by the Planning Commission and the County Council by means of published legal notices in The (Everett) Herald and publication on the County website.
- P. The proposals have been broadly disseminated to the public and opportunities have been provided for written comments and public hearing after effective notice.

**Section 2.** The County Council makes the following conclusions:

- A. Flood hazard provisions identified by FEMA as inconsistent with NFIP standards must be amended to retain NFIP eligibility and to protect existing flood insurance policyholders.
- B. An updated reference to the new flood insurance study is necessary in SCC 30.65.240. The current reference to the Snohomish River density fringe designation in the US Army Corps of Engineers Flood Study is replaced with the new reference contained in the new Snohomish County Flood Insurance Study.
- C. Digital FIRMs will be produced by FEMA and distributed to the County in the near future. Amendments include language to recognize and permit the use of the digital maps when finalized and transmitted by FEMA.
- E. Adjusting the construction floodproofing level above the base flood elevation will further protect property and life from flood damage, reduce flood related risks, and reduce flood insurance rates for residents.
- F. Amending SCC 30.65.160 to require elevation certification documentation certified by a professional land surveyor provides consistency with NFIP standards and continued eligibility in the NFIP.
- G. Clarifying development restrictions related to mobile and modular homes flood hazard regulations will create greater permit efficiency. Allowing mobile homes with certain restrictions within appropriate special flood hazard areas aligns the county's development regulations with a recent state law RCW 36.01.225 prohibiting discrimination in the use of manufactured homes.

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

- H. Clarifying crawlspace construction requirements to be consistent with NFIP standards will allow continued NFIP eligibility, improve permit efficiency and promote the use of adequate flood proofing requirements.
- I. Clarifications regarding agricultural accessory structures will ensure that the intent of flood hazard regulations is met.
- J. Amending the description of the location of the density fringe designations provides consistency with the updated FIS and FIRMs.
- K. Allowing properly constructed mobile homes as farmhouses in density fringe designations will provide for greater variety in housing type and affordable housing options.
- L. Amending and adding new flood hazard definitions consistent with the NFIP standards improves clarity, promotes the intent of the NFIP and permits eligibility in the NFIP.

**Section 3.** Snohomish County Code Section 30.65.040, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.65.040 Special flood hazard areas established.**

The special flood hazard areas designated by the federal emergency management agency in a scientific and engineering report entitled "the flood insurance study for unincorporated Snohomish County," dated September 16, 2005, ~~((November 8, 1999))~~ ~~((or as amended))~~ and ~~((accompanying))~~ the flood insurance rate maps (FIRMS) for Snohomish County, Washington and incorporated areas revised September 16, 2005, or as amended, and issued by FEMA on paper or digital format together with the corresponding U.S. army corps of engineers river study maps 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.

**Section 4.** Snohomish County Code Section 30.65.050, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.65.050 Identification on official zoning maps.** In order to assist the ~~((general))~~ public in identifying those properties within special flood hazard areas, the geographic extent of the areas shall generally be depicted upon the county's

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

official zoning maps. Said depiction shall be provided for informational purposes only. ~~((The official flood insurance study maps and river study maps and adopted in SCC 30.65.040 and 30.65.240(2) shall be utilized in the administration of this chapter.))~~

**Section 5.** Snohomish County Code Section 30.65.120, adopted by Amended Ordinance 02-064 on December 9, 2002, 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 ~~((is))~~ 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 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.

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

(i) 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 grade;

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

(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 with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that any portion of a structure below ~~((an elevation))~~ a minimum of one foot elevation above base flood level ~~((the structure))~~ is

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

watertight with walls substantially impermeable to the passage of water; and

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

(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 flood proofing 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 \$30,000. 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(~~(-and)~~).

~~((c) Be constructed under the provisions of SCC 30.65.120(4)(c) above will result in increased premium rates for flood insurance which may be as high as \$25.00 per \$100.00 of insurance coverage, or more.))~~

(5) Mobile homes.

(a) Installation of ((Mobile)) mobile homes and substantial improvements to mobile homes shall be elevated on a permanent foundation and shall be securely anchored to an adequately anchored foundation system in accordance with SCC 30.65.110(1)(b) to resist flotation, collapse and lateral movement, and shall have the lowest floor elevated a minimum of one foot above the base flood elevation.

(b) The repair, reconstruction or improvement of existing mobile home parks (including streets, utilities and pads), and mobile homes not placed in a mobile home park, shall have:

(i) pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home will a minimum of one foot above the base flood level;

(ii) adequate surface drainage and access provided for a hauler; and

(iii) in the instance of elevation on pilings (A) lots large enough to permit steps, (B) piling foundations placed in stable soil no more than 10 feet apart, and (C) reinforcement provided for pilings extending more than six feet above the ground level.

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

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC



above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

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

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

(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 mobile home anchoring and elevation standards of SCC

30.65.120(5).

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

**Section 6.** A new section is added to chapter 30.65 of the Snohomish County Code to read:

**30.65.125 General requirements for all crawlspace construction**

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

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings discussed in SCC 30.65.125(b) below. Because of hydrodynamic loads, crawlspace construction is not permitted in areas with flood velocities greater than 5 feet per second. Other types of foundations are recommended for these areas.

(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 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

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

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 above the base flood elevation or sealed from floodwaters.

**Section 7.** Snohomish County Code Section 30.65.130, adopted by Amended Ordinance 02-064 on December 9, 2002, 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 FEMA elevation certificate form 81-31 shall be required in accordance with National Flood Insurance Program regulations and standards.

**Section 8.** Snohomish County Code Section 30.65.160, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.65.160 Certification responsibility.**

The project proponent shall be responsible for providing required certification data to the department prior to the applicable construction inspections specified in the certification form. All elevation ~~((and floodproofing))~~ data specified in SCC 30.65.150 must be obtained and certified by a registered professional ~~((engineer, architect, or))~~ land surveyor. Other floodproofing data specified in SCC 30.65.150 must be obtained and certified by a registered professional engineer or architect. The elevation and floodproofing certification shall be permanently maintained by the department.

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

**Section 9.** Snohomish County Code Section 30.65.240, adopted by Amended Ordinance 02-064 on December 9, 2002, 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: ~~((that portion of the special flood hazard area (100-year flood plain) identified by the U.S. Army Corps of Engineers river studies as modified by the county and as incorporated herein by SCC 30.65.020 as follows))~~

(a) ~~((Snohomish River special flood hazard area (100-year flood plain) located between the mouth of said river and river mile 16.61; also corresponding to the Corps of Engineers study E-2-6-497 as modified by Snohomish County, sheets 1 through 15.))~~ Areas designated on the Flood Insurance Study (FIS) for Snohomish County and Incorporated Areas, and the Flood Insurance Rate Maps (FIRMs) dated September 16, 2005, and as amended in paper or digital format.

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

**Section 10.** Snohomish County Code Section 30.65.280, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.65.280 Density fringe area: permitted uses.**

The following uses are permitted in the density fringe area:

(1) Agriculture, including:

(a) Accessory agricultural structures such as but not limited to barns, milking parlors, silos, manure tanks, and loafing sheds that provide direct support for primary agricultural activities including tilling of the soil, raising of crops, horticulture, viticulture, small livestock, poultry, pasturing, grazing, dairying and/or animal husbandry; and

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

- (b) Livestock protection mounds, when the mounds do not consist of solid waste as defined by this title; and
- (c) Manure pits and lagoons
- (2) Forestry, including processing of forest products with portable equipment;
- (3) Preserves and reservations;
- (4) Parks and recreational activities;
- (5) Removal of rock, sand and gravel providing that the applicant can provide clear and convincing evidence that such a use will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flood threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of chapter 30.31D SCC and the county shoreline management master program;
- (6) Utility transmission lines, under the same terms and conditions of SCC 30.65.200(2);
- (7) Water-dependent utilities. Examples of such uses are dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; and structural and non-structural flood damage reduction facilities, and stream bank stabilization structures and practices;
- (8) Improvements to existing residential structures that do not exceed the maximum allowable density and obstruction requirements of SCC 30.65.250 and 30.65.255 ((are not substantial improvements));
- (9) Single family farmhouse structures including modular homes ((excluding mobile homes)) and mobile homes placed on permanent concrete foundations, if the following conditions are met:
  - (a) The structure is constructed to building code standards;
  - ~~((a))~~ (b) The farmhouse is necessary to the operation of a commercial farm engaged in agriculture ((where occupants of the farmhouse derive their principal livelihood from the farm site upon which the farmhouse will be located));
  - ~~((b))~~ (c) A potential building site for the farmhouse on the same farm site is not available outside the density fringe area;
  - ~~((c))~~ (d) Earthfill utilized for building foundation shall be emplaced and stabilized in a manner that will prevent erosion from flood water flow;
  - ~~((d))~~ (e) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
  - ~~((e))~~ (f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood waters into the system and to eliminate or minimize discharge from the system into the flood waters;

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

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

~~((g))~~ (h) An egress plan for vacating the structure during the base flood occurrence shall be provided;

(10) Marinas;

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

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

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

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

(12) Utility facilities;

(13) Public works, limited to:

(a) Roads,

(b) Bridges,

(c) Docks, and

(d) Port facilities; and

(14) In urban growth areas only, sawmill storage yards when located adjacent to existing sawmill uses.

**Section 11.** A new section is added to chapter 30.65 of the Snohomish County Code to read:

**30.65.265 Density fringe area: recording required when maximized density and obstruction permitted.**

When the maximum allowable density and/or the maximum allowable obstruction is met pursuant to SCC 30.65.250 and 30.65.255, the property owner shall record with the Auditor's office a notice in a form approved by Planning and Development Services describing the related flood hazard permit number, subject property assessor number(s) and structures included in the density fringe area calculations.

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

**Section 12.** Snohomish County Code section 30.43C.200, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.43C.200 Permit expiration and renewal.**

(1) The start of construction, as defined in ~~((chapter SCC 30.91S)) SCC 30.91S.570~~, for any new construction or substantial improvement must commence within 180 days of the issuance of a flood hazard permit or the flood hazard permit will automatically expire.

(2) A permit may be renewed for the original project description only once for up to 24 additional months.

**Section 13.** A new section is added to chapter 30.91B of the Snohomish County Code to read:

**30.91B.035 "Basement"** means any area of a building having its floor subgrade (below ground level) on all sides.

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

**Section 14.** Snohomish County Code Section 30.91F.130, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.91F.130 "Farmhouse"** means a single-family dwelling, including modular and mobile homes, constructed to building code standards placed on permanent concrete foundations, locating 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 "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.*

**Section 15.** A new section is added to chapter 30.91M of the Snohomish County Code to read:

**30.91M.165 "Mobile home park"** means land under single ownership or control designed for the temporary or permanent parking of two or more mobile homes used for human habitation where the minimum lot area for each mobile home site is less than the requirements of this title for a single family home and/or where an individual septic tank is not provided for each mobile home. "Mobile home park" also includes a contiguous parcel of ground under single ownership or control where the density of mobile homes is over three per acre. "Mobile home park"

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

does not include land designed for the display or sale of mobile homes. *This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.*

**Section 16.** Snohomish County Code Section 30.91S.570, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.91S.570 "Start of construction"** means the date a building permit was issued for ~~((of either the first placement of))~~ permanent construction of a structure or ~~((either))~~ substantial improvement of a structure on a site provided the actual construction, repair, reconstruction or placement of other improvements was within 180 days of the permit issuance date. ~~((, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation))~~ Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walk-ways; nor does it include excavation for basements, 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 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 17.** A new section is added to chapter 30.91S of the Snohomish County Code to read:

**30.91S.745 "Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC

**Section 18.** Snohomish County Code Section 30.91S.750, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.91S.750 "Substantial improvement"** means any repair, reconstruction, or improvement of a structure, which meets the following:

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

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

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

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

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

(4) The term does not include:

(a) Any improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the county or other agency with jurisdiction and which are the minimum necessary to assure safe living conditions((-): or

(b) Any alteration of a historic structure, when the alteration will not preclude the structure's continued designation as a historic structure.

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

**Section 19. Severability.** If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided, however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC



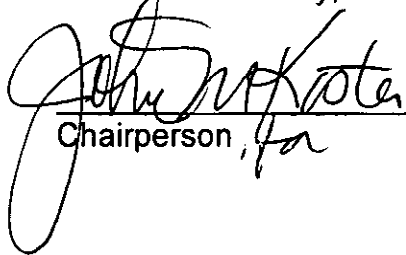
SCC 30.914.105 AM

**Section 20.** "Utilities" means any machinery, equipment and their attending facilities that service a structure such as elevators and their associated equipment, furnaces, hot water heaters, heat pumps, and air conditioners in an attached garage or enclosure or on an open utility platform that provides utility services for the building. Attending facilities include conduits, duct work, and above ground electrical services.

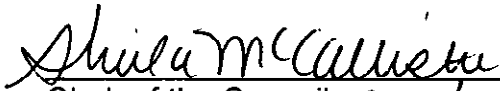
This definition only applies to the "Flood Hazard" regulations in chapters 30.43C, 30.43D and 30.65.SCC.

PASSED this 7th day of September, 2005

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington


  
Chairperson, *for*

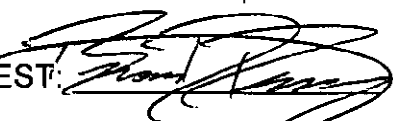
ATTEST:

  
Clerk of the Council, *asst*

- APPROVED
- EMERGENCY
- VETOED

DATE: 9/14/05

  
Snohomish County Executive

ATTEST: 

Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney

D.4

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS TO COMPLY WITH THE FLOOD INSURANCE STUDY FOR SNOHOMISH COUNTY AND INCORPORATED AREAS REVISED SEPTEMBER 16, 2005, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND COMPLYING WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), DESIGNATING SPECIAL FLOOD HAZARD AREAS, CLARIFYING FLOOD HAZARD PERMIT REQUIREMENTS, AMENDING SECTIONS 30.43C.200, 30.65.040, 30.65.050, 30.65.120, 30.65.130, 30.65.160, 30.65.240, 30.65.280, 30.91F.130, 30.91S.570, AND 30.91S.750 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.65.125, 30.65.265, 30.91B.035, 30.91M.165, and 30.91S.745 SCC