



CO00017060

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 06-099

RELATING TO THE SNOHOMISH COUNTY RIVER IMPROVEMENT PROGRAM;  
ADOPTING A NEW TITLE 25B SNOHOMISH COUNTY CODE AND REPEALING  
SNOHOMISH COUNTY CODE SECTIONS 30.44.700, 30.44.710, 30.44.720,  
30.44.730, 30.44.740, 30.44.750 AND 30.44.760

WHEREAS, as part of the adoption process of the Snohomish County Shoreline  
Management Program, Chapter 30.44 Snohomish County Code will be repealed,  
reorganized and readopted to implement the shoreline program; and

WHEREAS, the Shoreline Management Program is administered by the Department of  
Planning and Development Services; and

WHEREAS, the River Improvement Program and the Cooperative Bank Stabilization  
Program are administered by the Department of Public Works; and

WHEREAS, Snohomish County Code Titles 25 and 25A contain authorizations for  
programs and services administered by the Department of Public Works.

NOW, THEREFORE BE IT ORDAINED:

**Section 1.** The foregoing recitals are incorporated herein as findings of fact as if set forth  
in full.

**Section 2.** A new Title 25B River Improvement Program is added to the Snohomish  
County Code to read:

**TITLE 25B  
RIVER IMPROVEMENT PROGRAM**

**Chapter 25B.10**

**General Provisions**

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30.44.760

Sections:

- 25B.10.010 Purpose and establishment of river improvement program.
- 25B.10.020 River improvement program fund established.
- 25B.10.030 Cooperative bank stabilization projects - authorization.
- 25B.10.040 Cooperative bank stabilization projects - requirements.
- 25B.10.050 Cooperative bank stabilization projects - county participation.
- 25B.10.060 Use of fund by department of public works.
- 25B.10.070 Compliance with legal requirements.

**25B.10.010 Purpose and establishment of river improvement program.** The Snohomish county river improvement program is hereby established. The program shall be administered by the department of public works. The purpose of this chapter is to provide the following benefits to the county:

- (1) Aid the county's flood control activities and response;
- (2) Increase the stability of banks subject to flood conditions and unusual tidal or wave action;
- (3) Reduce flood damage to property within the county;
- (4) Reduce the public cost of emergency flood response and repair;
- (5) Protect public facilities from flood related damage;
- (6) Reduce accelerated bank erosion;
- (7) Reduce damage from excessive water siltation from bank erosion;
- (8) Improve water quality and fish habitats by reducing bank erosion and improving natural bank stability;
- (9) Enhance the buffering action of banks by improving their stability and utilizing natural bank protection measures;
- (10) Provide assistance to property owners along banks to create improved bank protection practices, increase awareness of federal, state, and local riverine regulations, and increase compliance with such regulations;
- (11) Increase information available to county residents regarding bank conditions, potential threats to public safety, and erosion potential;
- (12) Reduce use of rock revetments in favor of natural bank preservation techniques which will increase long-term bank stability and minimize future maintenance costs;
- (13) Increase aesthetic enjoyment of natural riverine areas within the county; and
- (14) Improve the county's understanding of natural drainage systems.

**25B.10.020 River improvement program fund established.** There is hereby established a Snohomish County river improvement fund. Sources for the fund shall include those authorized by chapter 86.12 RCW as it now exists or is hereafter amended, and any other allowable sources of funding as determined by the county council. The fund shall be used only for the purposes of controlling waters subject to flood conditions from streams, tidal, or other bodies of water affecting the county and the fund may be

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used to undertake any of the activities authorized by RCW 86.12.020 as it presently exists or is hereafter amended.

**25B.10.030 Cooperative bank stabilization projects - authorization.** The county executive may authorize river improvement program participation in cooperative bank stabilization projects upon the following basis:

(1) The owners of property which includes banks along streams, tidal, or other bodies of water may apply to the county for approval of cooperative bank stabilization projects. Projects may include, but are not limited to, structural and non-structural measures to reduce bank erosion and dike restoration where existing dikes have been washed out due to flooding or high water. Project applications shall be reviewed by the department of public works for compliance with the following criteria:

(a) Projects shall comply with the provisions of chapter 86.12 RCW, as it now exists or is hereafter amended, for county flood control activities.

(b) Projects shall provide the benefits to the county set forth in SCC 25B.10.010 herein;

(2) Upon completion of its review, the department of public works shall make a recommendation to the county executive for approval or disapproval of each project application and may include in its recommendation conditions which the department deems necessary to assure that the project complies with the requirements of this chapter. Recommendations for approval shall include a statement of the maximum recommended county financial participation in the proposed project and the nature of that participation; and

(3) Upon receipt of the department's recommendation, the county executive may approve or deny the project proposal by issuing a written order. In approving a project proposal, the county executive may impose any or all of the conditions recommended by the department of public works and may impose such additional conditions as are deemed necessary to assure that the project complies with the provisions of this chapter.

**25B.10.040 Cooperative bank stabilization projects - requirements.** All cooperative bank stabilization projects approved pursuant to this chapter shall be subject to the following requirements:

(1) Each project shall provide flood protection and/or bank stabilization benefits to public resources or to property other than that owned by the project applicant;

(2) The owner of the property upon which the project is to be constructed shall grant the county a right of entry upon said property for the purposes of inspection and maintenance of the project. Evidence of the right of entry shall be recorded in the real property records of the county auditor and shall be binding upon all successors and assigns of the owner;

(3) The owner of the property upon which the project is constructed or the owner's successors or assigns, shall maintain the project in a condition of good repair for a period of two years following construction. Should the department of public works determine that such maintenance is not being performed in a satisfactory manner, the

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department may perform such necessary maintenance itself and may require that the owner reimburse the county for its cost of participation in the project; and

(4) The project applicant shall execute a hold harmless and indemnity agreement, upon a form prescribed by the department of public works, to protect the county from claims from the project applicant or any third party arising out of the construction of the project.

**25B.10.050 Cooperative bank stabilization projects - county participation.**

County participation in cooperative bank stabilization projects shall consist of providing financial assistance to project applicants for the purchase of materials to be utilized in their projects. The amount of financial assistance shall be based upon an estimate (prepared in advance of the work) of the cost of required materials. The department of public works shall review materials estimates in order to assure that they are based upon competitive unit prices. Following approval of the project by the county executive, the project applicant may proceed with the work. The project applicant shall comply with all applicable permit requirements and shall obtain materials from a county approved source as required by the department of public works. The project applicant shall notify the department of public works when the work is to commence. After the project applicant has notified the department of public works of completion of the project and has provided certification of final quantities of materials used, the director of public works shall then inspect the work. When the director of public works has determined that the work has been satisfactorily completed, the project applicant will be reimbursed for the materials used at the approved rate; PROVIDED that the amount of reimbursement shall not exceed the original estimate; PROVIDED, FURTHER that where unforeseen site conditions require that material in excess of that stated in the original estimate be used in order that the project be completed in a manner satisfactory to the director of public works, the amount of reimbursement may exceed the original estimate upon the recommendation of the director of public works and the approval of the county executive.

**25B.10.060 Use of fund by department of public works.** (1) The director of public works shall have the authority to utilize river improvement funds for emergency projects where the estimated total dollar value of each project is less than \$10,000. Emergency projects where the estimated total dollar value exceeds \$10,000 shall only be approved by the county executive. Emergency projects are those in which recent flood damage has created an imminent danger of substantial property damage from the next storm. County participation in such emergency projects shall be limited to technical review and reimbursement for the cost of bank stabilization materials.

(2) The director of public works shall have the authority to utilize river improvement funds at his or her discretion for general flood fight activities. Flood fights shall be considered those occasions when the river system(s) is(are) predicted to crest at or above flood stage for each river system.

(3) The director of public works may use river improvement funds to administer this program and for other county projects related to flood control as approved by the county council during the annual budget process.

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**25B.10.070 Compliance with legal requirements.** All work performed under this chapter shall comply with all federal and state laws, local laws and ordinances, and applicable permit requirements including those of the Shoreline Management Act and hydraulic permits required by the state department of fish and wildlife.

**Section 3.** The following sections of Snohomish County Code are each repealed:

- (1) Snohomish County Code Section 30.44.700, adopted by Ordinance 02-064 on December 9, 2002;
- (2) Snohomish County Code Section 30.44.710, adopted by Ordinance 02-064 on December 9, 2002;
- (3) Snohomish County Code Section 30.44.720, adopted by Ordinance 02-064 on December 9, 2002;
- (4) Snohomish County Code Section 30.44.730, adopted by Ordinance 02-064 on December 9, 2002;
- (5) Snohomish County Code Section 30.44.740, adopted by Ordinance 02-064 on December 9, 2002;
- (6) Snohomish County Code Section 30.44.750 adopted by Ordinance 02-064 on December 9, 2002;
- (7) Snohomish County Code Section 30.44.760 adopted by Ordinance 02-064 on December 9, 2002.

PASSED this 3<sup>rd</sup> day of January, 2007.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
Kurt Sievers  
Chairperson

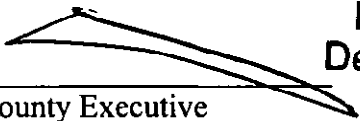
ATTEST:

Barbara Sikorst  
Clerk of the Council, *Asst.*


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- APPROVED
- VETOED
- EMERGENCY

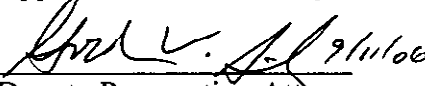
DATE: 01-08-07

  
for County Executive  
**MARK SOINE**  
Deputy Executive

ATTEST:

  
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Approved as to form only:

  
\_\_\_\_\_ 2/11/06  
Deputy Prosecuting Attorney

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