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SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 07-143

RELATING TO USE OF CERTAIN SAILBOATS ON EBEBY SLOUGH  
FLOODPLAIN; AMENDING CHAPTER 12.08 SNOHOMISH COUNTY CODE

BE IT ORDAINED:

Section 1. Findings.

1. The floodplain area South and East of Ebey Slough between Home Acres Road and Fobes Road (the "Ebey Slough Floodplain") has historically been diked farm land within former Drainage District No. 6 ("DD6") that has not been used by water craft.

2. Since the dissolution of DD6, the inundation of the Ebey Slough Floodplain from river flooding and tidal influences has substantially increased.

3. Future actions may be taken by the county or others to remove portions or all of the former DD6 dikes which may result in a substantial increase in the duration and amount of inundation in the Ebey Slough Floodplain resulting from high tides and river flood events.

4. During periods of inundation, water depths are shallow and are subject to tidal fluctuation.

5. The shallow and fluctuating water depths in the Ebey Slough Floodplain, combined with the presence of substantial amounts of submerged or partially submerged vegetation and debris would present hazards to the operation of boats with substantial draft, such as larger sailboats.

6. Puget Sound Energy ("PSE") is the beneficial owner of transmission line easements traversing the Ebey Slough Floodplain. These easements have been in place since the 1920's and PSE has used these easements for the construction and operation of two high voltage electrical transmission lines.

7. PSE is currently in the process of replacing the current wooden structures within the transmission corridor with steel poles on concrete foundations that are designed for use in an inundated, tidally-influenced environment. PSE's electrical transmission lines are designed and will be used for high voltages (230 kV).

8. PSE is required to design the rebuilt transmission lines in compliance with the National Electrical Safety Code (NESC). The NESC standards governing height of transmission lines above water bodies take sailboat use into account.

((8)) 9. The use of the Ebey Slough Floodplain by larger sailboats is highly unlikely due to the shallow water depth and tidal fluctuation in the Floodplain and the inaccessibility of the area due to low bridges blocking water access to the Floodplain via the Ebey Slough channel and the lack of marina or boat ramp facilities within the Ebey Slough Floodplain itself.

((9)) 10. Nevertheless, the continued presence of the PSE electrical transmission lines would present an additional significant safety hazard should the operation of larger sailboats in the Ebey Slough Floodplain be attempted.

((10)) 11. PSE has presented information to the county indicating that the reconstructed transmission lines have been designed so that sailboats with mast heights of 18 feet or less above the water level may be safely operated under the lines at all anticipated river conditions, including times when Ebey Slough floodplain is at a very high stage due to floods or extreme high tides.

((14)) 12. Reconstruction of the PSE transmission lines using higher pole and transmission line elevations and larger pole foundations than the current design in order to accommodate the highly unlikely use of the Ebey Slough Floodplain by sailboats having mast heights exceeding 18 feet would be unreasonable under the present circumstances and would create unnecessary adverse impacts to the Ebey Slough Floodplain environment.

((14)) 13. In order to promote the public health, safety and welfare, it is necessary to restrict the operation of sailboats in the Ebey Slough Floodplain to those having mast heights of no more that 18 feet above water level.

Section 2. The title of chapter 12.08 Snohomish County Code adopted by Resolution on June 30, 1975 is amended to read:

#### Chapter 12.08

#### USE INTENSITY CLASSIFICATIONS FOR SPECIFIED LAKES AND OTHER WATERBODIES.

Section 3. A new section is added to chapter 12.08 Snohomish County Code to read:

AMENDED ORDINANCE NO. 07-143  
RELATING TO USE OF CERTAIN SAILBOATS  
ON EBEEY SLOUGH FLOODPLAIN; AMENDING  
SNOHOMISH COUNTY CODE 12.08


**12.08.045 Sailboats – mast height restriction in certain areas.**

Due to the shallow depth, fluctuating water level and presence of overhead electrical transmission lines, it is unlawful to operate sailboats having a mast height exceeding eighteen (18) feet above water level upon the following water body: that portion of the floodplain of Ebey Slough located South and East of the Ebey Slough channel and between Home Acres Road and Fobes Road.

Section 4. Effective Date. This ordinance shall take effect July 1, 2008.

PASSED this 16th day of January, 2008.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
Chairperson

ATTEST:

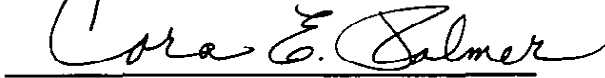
  
Asst. Clerk of the Council

- APPROVED  
 EMERGENCY  
 VETOED

DATE: 1/25/08

  
County Executive  
**MARK SOINE**  
Deputy Executive

ATTEST:

  
Deputy Executive

Approved as to form only:

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Deputy Prosecuting Attorney

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