

1 Adopted: 12/17/14
2 Effective: 12/17/14
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4
5 SNOHOMISH COUNTY COUNCIL
6 Snohomish County, Washington
7

8 AMENDED EMERGENCY ORDINANCE NO. 14-104
9

10 EXTENDING AN INTERIM OFFICIAL CONTROL ENACTED BY AMENDED
11 EMERGENCY ORDINANCE NO. 14-046 FOR AN ADDITIONAL SIX-MONTH
12 PERIOD; ADOPTING AN INTERIM OFFICIAL CONTROL ON DEVELOPMENT
13 WITHIN THE SR 530 FLOOD IMPACT AREA; AMENDING SCC 30.65.005; AND
14 DECLARING AN EMERGENCY
15

16 WHEREAS, RCW 36.70A.390 provides that the Snohomish County Council (“county
17 council”) may adopt a moratorium, interim zoning ordinance, interim zoning map, and/or interim
18 official control; and
19

20 WHEREAS, moratoria, interim zoning ordinances, and interim official controls enacted
21 under RCW 36.70A.390 are methods by which local governments may preserve the status quo
22 so that new plans and regulations will not be rendered moot by intervening development; and
23

24 WHEREAS, RCW 36.70A.390 provides that a moratorium or interim zoning control may
25 be effective for not longer than six months, but may be renewed for one or more six-month
26 periods if a subsequent public hearing is held and findings of fact are made prior to each
27 renewal; and
28

29 WHEREAS, pursuant to chapter 36.70A RCW of the Growth Management Act (GMA),
30 the county council adopted general regulations in chapter 30.65 SCC for the protection of public
31 safety, health and welfare in those areas subject to inundation due to flooding, and to minimize
32 losses due to flood conditions; and
33

34 WHEREAS, through Ordinance No. 84-014 on February 27, 1984, and Amended
35 Ordinance No. 05-068 on September 7, 2005, the county council adopted provisions regulating
36 development in special flood hazard areas, as further identified by the Flood Insurance Rate
37 Maps (FIRMS) which were adopted by reference and declared to be a part of chapter 30.65
38 SCC; and
39

40 WHEREAS, on March 22, 2014, a landslide between Oso and Darrington along State
41 Route (SR) 530 (the “SR 530 Landslide”) resulted in a devastating loss of life and property,
42 significantly impacted the river channel of the North Fork of the Stillaguamish River, and created
43 localized flooding upstream of the SR 530 Landslide; and
44

45 WHEREAS, on June 25, 2014, after a public hearing, the county council adopted
46 Amended Emergency Ordinance No. 14-046, enacting an interim official control on development
47 within the SR 530 Flood Impact Area, as depicted in Exhibit A to Amended Emergency
48 Ordinance No. 14-046, pursuant to RCW 36.70A.390. The SR 530 Flood Impact Area is also
49 depicted in Exhibit A to this ordinance; and
50

1 WHEREAS, in Section 4 of Amended Emergency Ordinance No. 14-046, the county
2 council requested the County Executive (“county executive”) engage stakeholders and
3 communities in the review of regulatory maps and regulations for development within landslide
4 hazard areas; propose any policies and regulations deemed appropriate to serve the public
5 health, safety, and welfare in Snohomish County; and submit a work plan within 90 days of the
6 effective date of the ordinance outlining the scope, process, and schedule for completing the
7 review; and

8
9 WHEREAS, the county executive’s office has held five meetings since May 2014 in the
10 communities of Darrington and Oso and the City of Arlington, such meetings focusing on topics
11 such as debris removal, land use, property buyouts, transportation and channel migration and
12 flooding; and

13
14 WHEREAS, since adoption of Amended Emergency Ordinance No. 14-046 the county
15 and the Federal Emergency Management Agency (FEMA) have worked to assemble data and
16 information to determine long-term flood elevations and new flood maps for the SR 530 Flood
17 Impact Area; and

18
19 WHEREAS, in general, the flood season for Snohomish County ranges from November
20 to April. It is anticipated that the 2014-2015 flood season may bring about further changes
21 within and adjacent to the river channel. During this period, the county and FEMA will continue
22 to collect flood related data and information to assist in determining long-term flood elevations
23 and new flood maps for the SR 530 Flood Impact Area; and

24
25 WHEREAS, at the October 10, 2014, county council Committee of a Whole meeting,
26 Planning and Development Services (PDS) briefed the county council on the status of the
27 county executive’s outreach efforts and work plan that was requested in Section 4 of Amended
28 Emergency Ordinance No. 14-046. PDS received direction from the county council to include
29 review and update of the county’s geological hazardous regulations as part of the ongoing GMA
30 compliance update to the county’s Critical Areas Regulations (CAR), which must conclude by
31 June 30, 2015; and

32
33 WHEREAS, the provisions of Amended Emergency Ordinance No. 14-046 will expire on
34 December 27, 2014, before new flood elevations and flood maps for the SR 530 Flood Impact
35 Area can be developed and before the work plan can be fully executed, unless action is taken to
36 extend those provisions prior to that date.

37
38 NOW, THEREFORE, BE IT ORDAINED:

39
40 Section 1. The county council adopts the following findings of fact and conclusions:

41
42 A. The county council adopts and incorporates the foregoing recitals as findings as if set
43 forth fully herein.

44
45 B. Additional time is necessary for the county and FEMA to compile and refine data and
46 information in order to assist in determining long-term flood elevations and new flood maps for
47 the SR 530 Flood Impact Area. The data collected during the November through April flood
48 season is necessary to generate such flood elevations and regulatory maps.

1 C Additional time is necessary to complete the review and assessment of regulatory
2 alternatives and development of possible new and/or amended development regulations that
3 protect the public health, safety, and welfare within the SR 530 Flood Impact Area.
4

5 D. The emergency that existed at the time of adoption of Amended Emergency
6 Ordinance No. 14-046, and as documented in Amended Emergency Ordinance No. 14-046
7 continues to exist within the county, and a renewal of the interim official control for development
8 within the SR 530 Flood Impact Area is necessary for the continued preservation of public
9 peace, health, and safety and for the support of county government and its existing institutions.
10

11 E. The findings and conclusions in Section 1 of Amended Emergency Ordinance No.
12 14-046 remain applicable to this ordinance and are incorporated herein by reference.
13

14 F. It is in the best interest of the health, safety, and welfare of the citizens of Snohomish
15 County to continue ~~((to suspend, temporarily, the acceptance of applications for))~~ an interim
16 official control on development within the SR 530 flood impact area.
17

18 G. State Environmental Policy Act (SEPA) requirements with respect to this non-project
19 action have been satisfied through the completion of an environmental checklist and the
20 issuance of a determination of non-significance on November 18, 2014.
21

22 H. The county council held a public hearing on December 17, 2014 prior to adopting this
23 ordinance, in accordance with RCW 36.70A.390.
24

25 Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the county council
26 finds as a fact and concludes that adopting an emergency ordinance and continuing an interim
27 control on development within the SR 530 Flood Impact Area is necessary for the immediate
28 preservation of the public peace, health or safety. Non-emergency options may not provide
29 adequate protection to people and property that may be affected by the unstable soils and risks
30 associated with potential future landslides and/or flooding within the SR 530 Flood Impact Area.
31 Based on the foregoing, the county council declares that an emergency exists and this
32 ordinance shall take effect December 27, 2014.
33

34 Section 3. The county council hereby adopts the following interim official control:
35

36 A. Snohomish County Code Section 30.65.005 adopted by Amended Ordinance No. 14-
37 046 on June 25, 2014, is amended to read:
38

39 **30.65.005 SR 530 Flood Impact Area.**
40

41 (1) Pursuant to Amended Emergency Ordinance No. 14-046, an interim control has been
42 adopted to allow time for the potential development of new regulatory maps and regulations
43 regarding development activities in the SR 530 flood impact area. The SR 530 flood impact area
44 is identified on a map adopted as Exhibit A to ~~((Amended))~~ Emergency Ordinance No. ~~((14-
45 046))~~ 14-104, and such map shall be available for public review at the department of planning
46 and development services during business hours and on the county website.
47

1 (2) The SR 530 flood impact area is established as a "special flood hazard area" pursuant to
2 SCC 30.65.040. In addition to the requirements identified in this chapter, the following
3 provisions shall apply within the SR 530 flood impact area:

4 (a) Development shall be limited to the repair of existing structures that have experienced
5 flooding damage as a result of the March 22, 2014, SR 530 landslide, subject to all
6 requirements in this chapter;

7 (b) No new structures shall be permitted; and

8 (c) The restrictions and prohibitions in this section shall not apply to:

9 (i) Infrastructure repairs and reconstruction;

10 (ii) Activities related to river bank stabilization and channelization;

11 (iii) Environmental clean-up or restoration activities; and

12 (iv) Any activities related to and necessary for the activities enumerated in subsections
13 (2)(c)(i), (2)(c)(ii) and (2)(c)(iii) of this section as determined by the director.

14 (3) This section shall be repealed automatically six months after the effective date of
15 ((Amended)) Emergency Ordinance No. ((14-046)) 14-104 unless renewed.

16
17 B. The SR 530 Flood Impact Area and its specific regulations, as described in amended
18 section SCC 30.65.050, shall apply to those properties identified in Exhibit A, which is attached
19 hereto and incorporated by reference and is hereby adopted as an interim area map.

20
21 C. This interim official control shall be effective for six months. It may be renewed for
22 one or more six-month periods if a subsequent public hearing is held and findings of fact are
23 made prior to each renewal.

24
25 Section 4. Effective date. This ordinance shall take effect on December 27, 2014.

26
27 Section 5. Severability and savings. If any section, sentence, clause, or phrase of this
28 ordinance shall be ruled to be invalid or unconstitutional by the Growth Management Hearings
29 Board or a court of competent jurisdiction, such ruling shall not affect the validity or
30 constitutionality of any other section, sentence, clause, or phrase of this ordinance, and the
31 section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be
32 in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance
33 had never been adopted.


34
35 PASSED this 17th day of December, 2014.

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37 SNOHOMISH COUNTY COUNCIL
38 Snohomish County, Washington

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41 _____
42 Dave Somers
43 Chairperson
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ATTEST:



Debbie Eco
Clerk of the Council

() APPROVED

() EMERGENCY

() VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney

D-43

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Exhibit A

Amended Emergency Ordinance No. 14-104

SR 530 Flood Impact Area Map

North Snohomish County
**SR 530 Landslide
 Impact Area**
 06/11/2014

Post Landslide Aerial Image 05-2014

-  Landslide Impact Area
-  Flood Impact Area
-  Assessor Parcel Line

Landslide Impact Area was delineated by Snohomish County Staff and incorporated LIDAR data, aerial photography, and ground photography/review collected April and May 2014.

Flood Impact Area boundaries are based on a simulation of 100-year flow through a hydraulic river model (HEC-RAS) produced by FEMA with support from USACE that reflects the river conditions as of May 15, 2014.

Map extent depicts areas that represent significant deviation from the current Flood Insurance Rate Map Index 53061 CINDOA, Sept. 16, 2005. The SR 530 Flood Impact Area only includes those areas shown within the map extent.

This map may be updated as new information and data become available.



All maps, data, and information are for illustrative purposes only and are not to be considered an official statement or representation of the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using the Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within the Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to data of individuals intended for use for commercial purposes and thus, no commercial use may be made of any Data comprising data of individuals contained herein.

Township 32 Range 7-8 Section 1, 7, 12

