

1 Adopted: 06/24/15
2 Effective: 06/27/15
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4
5 SNOHOMISH COUNTY COUNCIL
6 Snohomish County, Washington
7

8 EMERGENCY ORDINANCE NO. 15-043
9

10 EXTENDING AN INTERIM OFFICIAL CONTROL ENACTED BY AMENDED
11 EMERGENCY ORDINANCE NO. 14-046, AND EXTENDED BY EMERGENCY
12 ORDINANCE NO. 14-104, FOR AN ADDITIONAL SIX-MONTH PERIOD;
13 ADOPTING AN INTERIM OFFICIAL CONTROL ON DEVELOPMENT WITHIN THE
14 SR 530 FLOOD IMPACT AREA; AMENDING SCC 30.65.005; AND DECLARING
15 AN EMERGENCY
16

17 WHEREAS, RCW 36.70A.390 provides that the Snohomish County Council (“county
18 council”) may adopt a moratorium, interim zoning ordinance, interim zoning map, and/or interim
19 official control; and
20

21 WHEREAS, moratoria, interim zoning ordinances, and interim official controls enacted
22 under RCW 36.70A.390 are methods by which local governments may preserve the status quo
23 so that new plans and regulations will not be rendered moot by intervening development; and
24

25 WHEREAS, RCW 36.70A.390 provides that a moratorium or interim zoning control may
26 be effective for not longer than six months, but may be renewed for one or more six-month
27 periods if a subsequent public hearing is held and findings of fact are made prior to each
28 renewal; and
29

30 WHEREAS, pursuant to chapter 36.70A RCW of the Growth Management Act (GMA),
31 the county council adopted general regulations in chapter 30.65 SCC for the protection of public
32 safety, health and welfare in those areas subject to inundation due to flooding, and to minimize
33 losses due to flood conditions; and
34

35 WHEREAS, through Ordinance No. 84-014 on February 27, 1984, and Amended
36 Ordinance No. 05-068 on September 7, 2005, the county council adopted provisions regulating
37 development in special flood hazard areas, as further identified by the Flood Insurance Rate
38 Maps (FIRMS) which were adopted by reference and declared to be a part of chapter 30.65
39 SCC; and
40

41 WHEREAS, on March 22, 2014, a landslide between Oso and Darrington along State
42 Route (SR) 530 (the “SR 530 Landslide”) resulted in a devastating loss of life and property,
43 significantly impacted the river channel of the North Fork of the Stillaguamish River, and created
44 localized flooding upstream of the SR 530 Landslide; and
45

46 WHEREAS, on June 25, 2014, after a public hearing, the county council adopted
47 Amended Emergency Ordinance No. 14-046, enacting an interim official control on development
48 within the SR 530 Flood Impact Area, as depicted in Exhibit A to Amended Emergency

EMERGENCY ORDINANCE NO. 15-043
EXTENDING AN INTERIM OFFICIAL CONTROL ENACTED BY AMENDED EMERGENCY ORDINANCE NO. 14-
046, AND EXTENDED BY EMERGENCY ORDINANCE NO. 14-104, FOR AN ADDITIONAL SIX-MONTH PERIOD;
ADOPTING AN INTERIM OFFICIAL CONTROL ON DEVELOPMENT WITHIN THE SR 530 FLOOD IMPACT AREA;
AMENDING SCC 30.65.005; AND DECLARING AN EMERGENCY

1 Ordinance No. 14-046, pursuant to RCW 36.70A.390. The SR 530 Flood Impact Area is also
2 depicted in Exhibit A to this ordinance; and
3

4 WHEREAS, in Section 4 of Amended Emergency Ordinance No. 14-046, the county
5 council requested the County Executive ("county executive") engage stakeholders and
6 communities in the review of regulatory maps and regulations for development within landslide
7 hazard areas; propose any policies and regulations deemed appropriate to serve the public
8 health, safety, and welfare in Snohomish County; and submit a work plan within 90 days of the
9 effective date of the ordinance outlining the scope, process, and schedule for completing the
10 review; and
11

12 WHEREAS, the county executive's office has held five meetings since May 2014 in the
13 communities of Darrington and Oso and the City of Arlington, such meetings focusing on topics
14 such as debris removal, land use, property buyouts, transportation and channel migration and
15 flooding; and
16

17 WHEREAS, at the October 10, 2014, county council Committee of a Whole meeting,
18 Planning and Development Services (PDS) briefed the county council on the status of the
19 county executive's outreach efforts and work plan that was requested in Section 4 of Amended
20 Emergency Ordinance No. 14-046. PDS received direction from the county council to include
21 review and update of the county's geological hazardous regulations as part of the ongoing GMA
22 compliance update to the county's Critical Areas Regulations (CAR); and
23

24 WHEREAS, on December 17, 2014, after a public hearing, the county council adopted
25 Emergency Ordinance No. 14-104 that extended by a period of six-months, Amended
26 Emergency Ordinance No. 14-046; and
27

28 WHEREAS, since adoption of Emergency Ordinance No. 14-104 the county and the
29 Federal Emergency Management Agency (FEMA) have continued to assemble data and
30 information to determine long-term flood elevations and new flood maps for the SR 530 Flood
31 Impact Area; and
32

33 WHEREAS, since adoption of Emergency Ordinance No. 14-104 the North Fork of the
34 Stillaguamish River is still adjusting its planform, width, and slope after the SR 530 Landslide;
35 and
36

37 WHEREAS, the provisions of Amended Emergency Ordinance No. 14-046 will expire on
38 June 27, 2015, before new flood elevations and flood maps for the SR 530 Flood Impact Area
39 can be developed and before the work plan can be fully executed, unless action is taken to
40 extend those provisions prior to that date.
41

42 NOW, THEREFORE, BE IT ORDAINED:
43

44 Section 1. The county council adopts the following findings of fact and conclusions:
45

46 A. The county council adopts and incorporates the foregoing recitals as findings as if set
47 forth fully herein.
48

1 B. Additional time is necessary for the county and FEMA to refine data and information
2 to predict long-term flood elevations and new flood maps for the SR 530 Flood Impact Area.
3

4 C. Additional time is necessary to complete the review and assessment of regulatory
5 alternatives and development of possible new and/or amended development regulations that
6 protect the public health, safety, and welfare within the SR 530 Flood Impact Area.
7

8 D. The emergency that existed at the time of adoption of Amended Emergency
9 Ordinance No. 14-046, and as documented in Amended Emergency Ordinance No. 14-046
10 continues to exist within the county, and a renewal of the interim official control for development
11 within the SR 530 Flood Impact Area is necessary for the continued preservation of public
12 peace, health, and safety and for the support of county government and its existing institutions.
13

14 E. The findings and conclusions in Section 1 of Amended Emergency Ordinance No.
15 14-046 remain applicable to this ordinance and are incorporated herein by reference.
16

17 F. It is in the best interest of the health, safety, and welfare of the citizens of Snohomish
18 County to continue to suspend, temporarily, the acceptance of applications for development
19 within the SR 530 Flood Impact Area.
20

21 G. State Environmental Policy Act (SEPA) requirements with respect to this non-project
22 action have been satisfied through the completion of an environmental checklist and the
23 issuance of a determination of non-significance on November 18, 2014.
24

25 H. The county council held a public hearing on June 24, 2015, prior to adopting this
26 ordinance, in accordance with RCW 36.70A.390.
27

28 Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the county council
29 finds as a fact and concludes that adopting an emergency ordinance and continuing an interim
30 control on development within the SR 530 Flood Impact Area is necessary for the immediate
31 preservation of the public peace, health or safety. Non-emergency options may not provide
32 adequate protection to people and property that may be affected by the unstable soils and risks
33 associated with potential future landslides and/or flooding within the SR 530 Flood Impact Area.
34 Based on the foregoing, the county council declares that an emergency exists and this
35 ordinance shall take effect June 27, 2015.
36

37 Section 3. The county council hereby adopts the following interim official control:
38

39 A. Snohomish County Code Section 30.65.005, last amended by Amended Emergency
40 Ordinance No. 14-104 on December 17, 2014, is amended to read:
41

42 **30.65.005 SR 530 flood impact area.**
43

44 (1) Pursuant to Amended Emergency Ordinance No. 14-046, an interim control has been
45 adopted to allow time for the potential development of new regulatory maps and regulations
46 regarding development activities in the SR 530 flood impact area. The SR 530 flood impact area
47 is identified on a map adopted as Exhibit A to Emergency Ordinance No. ((14-104)) 15-043, and

1 such map shall be available for public review at the department of planning and development
2 services during business hours and on the county website.

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

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

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

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

11 (i) Infrastructure repairs and reconstruction;

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

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

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

16 (3) This section shall be repealed automatically six months after the effective date of Emergency
17 Ordinance No. ((14-104)) 15-043 unless renewed.

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

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

26
27 Section 4. Effective date. This ordinance shall take effect on June 27, 2015.

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


36
37 PASSED this 24th day of June, 2015.

38
39 SNOHOMISH COUNTY COUNCIL
40 Snohomish County, Washington

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43 

44 _____
45 Chairperson

1 ATTEST:

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4 
5 Clerk of the Council, AS ST.

6
7 () APPROVED

8
9 () EMERGENCY

10
11 () VETOED

12 DATE: _____

13
14
15 _____
16 County Executive

17
18 ATTEST:

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20 _____

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24 Approved as to form only: 6/10/15

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26 
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28 Deputy Prosecuting Attorney

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Exhibit A




Emergency Ordinance No. 15-043

SR 530 Flood Impact Area Map

EMERGENCY ORDINANCE NO. 15-043
EXTENDING AN INTERIM OFFICIAL CONTROL ENACTED BY AMENDED EMERGENCY ORDINANCE NO. 14-046, AND EXTENDED BY EMERGENCY ORDINANCE NO. 14-104, FOR AN ADDITIONAL SIX-MONTH PERIOD; ADOPTING AN INTERIM OFFICIAL CONTROL ON DEVELOPMENT WITHIN THE SR 530 FLOOD IMPACT AREA; AMENDING SCC 30.65.005; AND DECLARING AN EMERGENCY

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

Post Landslide Aerial Image 05-2014

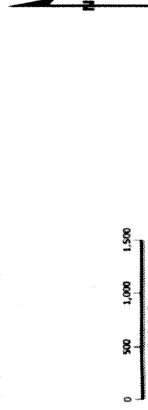
-  Landslide Impact Area
-  Flood Impact Area
-  Assessor Parcel Line

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 areas shown on this map are subject to change. This map is for informational purposes only and does not constitute a warranty of any kind. The County does not warrant the accuracy of the information shown on this map. The County is not responsible for any errors or omissions on this map. The County is not responsible for any damages, including consequential damages, arising from the use of this map. The County is not responsible for any damages, including consequential damages, arising from the use of this map. The County is not responsible for any damages, including consequential damages, arising from the use of this map.

Township 32 Range 7-8 Section 1, 7, 12
Map of Snohomish County showing the Landslide Impact Area, SR 530
Map Date: 06/11/2014

