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SNOHOMISH COUNTY COUNCIL

ORDINANCE NO. 84-014

SNOHOMISH COUNTY CODE

REPEALS CHAPTER 18.68, FLOOD HAZARD ZONE  
ESTABLISHES TITLE 27, SPECIAL FLOOD HAZARD AREAS

BE IT ORDAINED:

Section 1. That Snohomish County Code, Title 18, Chapter 18.68, is REPEALED in its entirety.

NEW SECTION: Section 2. That Title 27, is added to the Snohomish County Code, , as follows:

TITLE 27

- 27.04 General
- 27.08 Definitions
- 27.12 Scope
- 27.16 Permit Administration
- 27.20 Elevation and Floodproofing Certification
- 27.24 Flood Hazard Protection Standards
- 27.28 Floodway Fringe Usage
- 27.32 Floodway Usage
- 27.36 Density Fringe Area
- 27.40 Nonconforming uses and structures
- 27.44 Variances
- 27.48 Enforcement
- 27.52 Severability

TITLE 27

REGULATIONS FOR DEVELOPMENT IN  
SPECIAL FLOOD HAZARD AREAS

CHAPTER 27.04

GENERAL

Sections:

- 27.04.010 Title.
- 27.04.020 Purpose.
- 27.04.030 Principles.
- 27.04.040 Ordinance History.

27.04.010 Title. This title constitutes, and may be cited as, the Snohomish County Flood Hazard Ordinance.

27.04.020 Purpose. The purpose of this title is to protect the public health, safety and welfare in those areas subject to periodic inundation due to flooding, and to minimize losses due to flood conditions in the specific areas subject to this title by utilizing the methods and provisions set forth herein:

27.04.030 Principles. Recognizing the right and need of the river channel to periodically carry more than the normal flow of water and desiring to minimize loss of life and property, this Title restricts uses and regulates structures to those that are consistent with the degree of flood hazard.

In advancing the above principles, the intent of this title and its application is:

A. To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of flood-prone land;

B. To meet the minimum requirement of the National Flood Insurance Program;

C. To implement state and federal flood protection programs.

27.04.040 Ordinance history. This title replaces the flood hazard regulations previously contained within Title 18, Snohomish County Zoning Code, Chapter 18.68, Flood Hazard Zone.

This title includes certain provisions contained in Chapter 18.68 and has also incorporated the minimum flood plain management standards and regulations of the National Flood Insurance Program (NFIP). The enactment of this ordinance is a necessary prerequisite for Snohomish County's continued eligibility in the NFIP, and the county's conversion from the emergency to the regular program.

## Chapter 27.08

### DEFINITIONS

#### Sections:

- 27.08.005 Base flood.
- 27.08.010 Density fringe area.
- 27.08.012 Department.
- 27.08.015 Development.
- 27.08.018 Director.
- 27.08.020 Fill.
- 27.08.025 Flood.
- 27.08.030 Flood hazard permit.
- 27.08.035 Flood insurance rate map.
- 27.08.040 Flood insurance study.
- 27.08.045 Flood plain.
- 27.08.050 Floodproofing.
- 27.08.055 Floodway.
- 27.08.060 Floodway fringe.
- 27.08.065 Habitable floor.
- 27.08.070 New construction.
- 27.08.075 Nonconforming structure.
- 27.08.080 Nonconforming use.
- 27.08.082 Solid waste.
- 27.08.085 Special flood hazard area.
- 27.08.090 Structure.
- 27.08.095 Substantial improvement.
- 27.08.100 Works.

27.08.005 Base flood. "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

27.08.010 Density fringe area. "Density fringe area" means that portion of the special flood hazard area of the lower Snohomish and Stillaguamish Rivers in which floodway areas cannot reasonably be established and in which development is regulated by maximum development density criteria.

27.08.012 Department. "Department" means the Department of Planning and Community Development.

27.08.015 Development. "Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling and works as defined in this chapter.

27.08.018 Director. "Director" means the director of the Department of Planning and Community Development or his authorized designee.

27.08.020 Fill. "Fill" means any material, such as (by way of illustration), earth, clay, sand, concrete, rubble, wood chips, bark or waste of any kind which is placed, stored or dumped upon the

surface of the ground resulting in an increase in the natural surface elevation.

27.08.025 Flood. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

27.08.030 Flood hazard permit. "Flood hazard permit" means written approval applied for and obtained in accordance with such rules and regulations as are established under this Title.

27.08.035 Flood insurance rate map. "Flood insurance rate map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

27.08.040 Flood insurance study. "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

27.08.045 Flood plain. "Flood plain" means a land area adjoining a river, stream, watercourse, ocean, bay or lake which is likely to be flooded. The extent of the flood plain may vary with the frequency of flooding being considered.

27.08.050 Floodproofing. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damages to lands, water and sanitary facilities, structures and contents of buildings.

27.08.055 Floodway. "Floodway" means the regular channel of a river, stream or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

27.08.060 Floodway fringe. "Floodway fringe" means that portion of a floodplain which is inundated by flood waters but is not within a defined floodway. Floodway fringes serve as temporary storage areas for flood waters.

27.08.065 Habitable floor. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

27.08.070 New construction. "New construction" means structures for which the start of construction commenced on or after the effective date of this title.

27.08.075 Nonconforming structure. "Nonconforming structure" means a structure which was legally constructed prior to the effective date of this title, but which would not be permitted as a new structure under the terms of this title because the structure is not in conformance with the applicable elevation and/or floodproofing requirements.

27.08.080 Nonconforming use. "Nonconforming use" means a use utilizing land or structure or both, legally established prior to the

effective date of this title, which would not be permitted as a new use under the terms of this title.

27.08.082 Solid waste. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, woodwaste, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. Solid waste shall not include earth, clay, sand, or gravel.

27.08.085 Special flood hazard area. "Special flood hazard area" means the land in the flood plain that is subject to a one percent or greater chance of flooding in any given year.

27.08.090 Structure. "Structure" means a walled building or mobile home.

27.08.095 Substantial improvement. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed value of the structure either:

- (1) before the improvement or repair is started, or
- (2) before the damage occurred for a structure that has been damaged and is being restored.

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.

The total value of all improvements to an individual structure undertaken subsequent to the effective date of this title shall be used to define "substantial improvement" for said structure.

27.08.100 Works. "Works" means any dam, wall, wharf, embankment, levee, dike, pile, bridge, improved road, abutments, projection, excavation, channel rectification, conduit, culvert, wire, fence, rock, gravel, refuse, fill or other similar modification or improvement attached to, or affixed upon, the realty.

## CHAPTER 27.12

### SCOPE

#### Sections:

- 27.12.010 Applicability.
- 27.12.020 Special flood hazard areas established
- 27.12.030 Identification on official zoning maps
- 27.12.040 General provisions

27.12.010 Applicability. The guidelines and regulations set forth herein shall apply to all special flood hazard areas within the jurisdiction of Snohomish County and shall be utilized when considering the issuance of permits through the administrative or quasi-judicial processes within Snohomish County.

27.12.020 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 March 15, 1984 with accompanying Flood Insurance Maps, 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 title and are hereby established as special flood hazard areas for the purposes of this title.

27.12.030 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 official zoning maps. Said depiction shall be provided for informational purposes only. The official Flood Insurance Study maps and river study maps adopted in Sections 27.12.020 and 27.36.020 shall be utilized in the administration of this Title.

27.12.040 General provisions.

A. The provisions of this title shall apply to any development proposed in a special flood hazard area, except that the provisions of this title shall not apply to structural improvements that do not qualify as substantial improvements under 27.08.095; provided that, where such nonsubstantial improvements are located in the floodway, it must be demonstrated that the floodway encroachment restrictions of 27.32.020(2) are met.

B. Flood hazard permits shall be approved by Snohomish county and, where required, the Washington State department of ecology pursuant to RCW 86.16.080. County approvals shall only be granted when in accordance with this title and other applicable local, state and federal regulations.

C. Topographic, engineering and construction information necessary to evaluate the proposed project shall be submitted to the department for approval

D. The granting of a permit for any development or use shall not constitute a representation, guarantee or warranty of any kind or nature by Snohomish County, or any official or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon, or cause of action against, such public body, official or employee for any damage that may result thereto.

Chapter 27.16

Permit Administration

Sections:

- 27.16.010 Administration.
- 27.16.020 Authority.
- 27.16.030 Permits required.
- 27.16.040 Permit application.
- 27.16.050 Permit review
- 27.16.060 Use of available data.
- 27.16.070 Permit fees.
- 27.16.080 Appeals.

27.16.010 Administration. The department is vested with the duty of administering the rules and regulations relating to flood hazard protection in accordance with the provisions of this title and may prepare and require the use of such forms as are essential to such administration. Nothing in this title shall alter or remove the responsibility of the Washington State Dept. of Ecology to administer the flood control zone permit program (per WAC 508-60) for special flood hazard areas located within state flood control zones established by Chapter 86.16 RCW.

27.16.020 Authority. Upon application therefor, the department shall have the authority to grant a flood hazard permit when compliance with the applicable conditions as set forth in this title and in other applicable local, state and federal regulations have been demonstrated and the proposal is found to be consistent with the purpose of this title as stated in Chapter 27.04.

27.16.030 Permit required. Prior to any development within a special flood hazard area, a flood hazard permit shall be obtained.

27.16.040 Permit application. All persons applying for a flood hazard permit shall apply to the department, using the forms supplied by that office. The application shall not be considered complete until the following minimum information is provided:

1. Name, address and telephone number of applicant;
2. Name, address and telephone number of property owner;
3. Project description;
4. Name of the stream or body of water associated with the flood plain in which the development is proposed;
5. General location of the proposed development, including direction and distance from the nearest town or intersection;
6. Site plan map showing: a) site boundaries, b) location and dimensions of the proposed development or structure, c) location and volume of any proposed fill material, d) location of existing structures.
7. Information required by other sections of this title.

27.16.050 Permit review. Flood hazard zone permit applications will be reviewed to determine:

- (1) that the floodproofing requirements and other provisions of this chapter have been satisfied,
- (2) that if the proposed development is located in the floodway, the floodway encroachment provisions of 27.32.020(2) are met.
- (3) that if the proposed development is located in the density fringe area, the provisions of Chapter 27.36 are met.
- (4) that if the proposed development includes the alteration or relocation of a watercourse, the provisions of section 27.24.010 D. are met.
- (5) that the proposed development is a permitted use under this title.

27.16.060 Use of available data.

A. In all special flood hazard areas where base flood elevation data has been provided in accordance with Section 27.12.020, or where Snohomish County can reasonably utilize base flood elevation data available from federal, state or other sources, the specific flood hazard protection standards of Section 27.24.020 shall be required.

B. In all special flood hazard areas where base flood elevation data has not been provided, Snohomish County shall review all development proposals in accordance with Sections 27.24.010 and 27.24.020 and shall require compliance with the standards of said sections as necessary to assure that development will be reasonably safe from flooding. The test of reasonableness shall include use of historic data, high water marks, photographs of past flooding, etc., where available.

27.16.070 Permit fees. A fee in the amount of fifty dollars (\$50) for each flood hazard permit request shall be paid to the department at the time an application is presented.

27.16.080 Appeals. The decision of the department to grant, grant with conditions or deny a flood hazard zone permit shall be final and conclusive unless, within fifteen (15) calendar days from the date of the department's decision, the applicant appeals the decision to the Snohomish County hearing examiner pursuant to the procedure established for administrative appeals in Title 18, Sections 18.88.090, 18.88.100, 18.88.110, 18.88.120, 18.88.130 and 18.88.140.

## Chapter 27.20

### Elevation and Floodproofing Certification

#### Sections:

- 27.20.010 Applicability.
- 27.20.020 Certification form.
- 27.20.030 Information to be obtained.
- 27.20.040 Certification responsibility.

27.20.010 Applicability. Certification shall be provided to verify that the minimum floodproofing and elevation standards of Chapter 27.24 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 Section 27.24.020(C) (1, 2 & 3) shall not require certification.

27.20.020 Certification form. The form of the elevation and floodproofing certificate shall be specified by the department and shall be generally consistent with that required by FEMA for the administration of the National Flood Insurance Program.

27.20.030 Information to be obtained. The elevation and floodproofing certificate shall verify the following flood hazard protection information:

A. The actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

B. The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially improved floodproofed structures, and that the floodproofing measures utilized below the base flood elevation render the structure watertight with walls substantially impermeable to the passage of water.

27.20.040 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 Section 27.20.030 must be obtained and certified by a registered professional engineer, architect, or surveyor. The elevation and floodproofing certification shall be permanently maintained by the department.

## Chapter 27.24

### Flood Hazard Protection Standards

#### Sections

- 27.24.010 General standards.
- 27.24.020 Specific standards.

27.24.010 General standards. The following regulations shall apply in all special flood hazard areas.

A. Anchoring and construction techniques.

(1) All new construction and substantial improvements shall be:

(a) anchored to prevent flotation, collapse or lateral movement of the structure; and

(b) constructed using materials and utility equipment resistant to flood damage; and

(c) constructed using methods and practices that minimize flood damage.

(2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement. Minimum anchoring requirements shall be those established by Snohomish County Code, Chapter 17.28, Mobile Home Ordinance.

B. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Subdivision proposals. All subdivision proposals shall:

(1) be consistent with the need to minimize flood damage;

(2) have roadways, public utilities and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) have adequate drainage provided to reduce exposure to flood damage; and

(4) include base flood elevation data.

D. Watercourse alterations. The flood carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities and FEMA of the proposed development.

27.24.020 Specific standards. In all special flood hazard areas where base elevation data has been provided as set forth in Section 27.16.060, the following regulations shall apply, in addition to the general regulations of 27.24.010:

A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation.

B. 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 (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) be floodproofed so that below an elevation one (1) foot above base flood level the structure is watertight with walls substantially impermeable to the passage of water; and

(2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

C. Agricultural construction. New construction and substantial improvement of any agricultural structure shall either have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation; meet the floodproofing requirements of 27.24.020(B); or, together with attendant utility and sanitary facilities, shall:

(1) have a low potential for structural flood damage; and shall not exceed a maximum assessed value for the cost of construction of \$12,000. The assessed 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;

(2) be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage; and



(3) ensure that all electrical and mechanical equipment subject to floodwater damage and permanently affixed to the structure be elevated a minimum of one (1) foot above the base flood elevation or higher;

Construction under the provisions of (1) through (3) above will result in increased premium rates for flood insurance which may be as high as \$25 per \$100 of insurance coverage, or more.

D. Mobile homes.

(1) Mobile homes shall be anchored in accordance with Section 27.24.010(A)(2), and shall have the lowest floor elevated a minimum of one (1) foot above the base flood elevation.

(2) 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:

a. pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be a minimum of (1) foot above the base flood level; and

b. adequate surface drainage and access provided for a hauler; and

c. in the instance of elevation on pilings,

i. lots large enough to permit steps

ii. piling foundations placed in stable soil no more than ten feet apart, and

iii. reinforcement provided for pilings extending more than six feet above the ground level.

## Chapter 27.28

### FLOODWAY FRINGE USAGE

#### Sections:

27.28.010 Permitted uses.

27.28.020 Prohibited uses.

27.28.010 Permitted uses. The following uses are permitted in the floodway fringe areas:

A. Any use permitted by the applicable zone in accordance with the Snohomish County zoning code, Title 18 unless prohibited by Section 27.28.020, provided that there must also be compliance with all applicable provisions established in this title.

B. Utility transmission lines. Utility transmission lines shall be permitted when consistent with Title 18 and where not otherwise inconsistent with this title; EXCEPT that when the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway fringe or special flood hazard area en route to another destination, as opposed to serving customers within a floodway fringe or special flood hazard area, such transmission line shall conform to the following:

1. Electric transmission lines shall cross floodway fringe and special flood hazard areas by the most direct route feasible. When support towers must be located within floodway fringe or special flood hazard areas, they shall be placed to avoid high flood water velocity and/or depth areas, and shall be adequately flood proofed.

2. Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained within the floodway fringe or special flood hazard area to the maximum extent of potential channel migration as determined by hydrologic analyses. All such hydrologic analyses shall conform to requirements of Section 27.32.010(6)(c)

3. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous

materials shall be buried below existing natural and artificial drainage features. Burial depth in all agricultural areas requiring or potentially requiring subsurface drainage shall be a minimum of 6 feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with Snohomish County soils. Burial depth in all other agricultural and non-agricultural floodway fringe or special flood hazard areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage.

4. All buried utility transmission lines shall achieve sufficient negative bouyancy so that any potential for flotation or upward migration is eliminated.

5. Above ground utility transmission lines not including electric transmission lines shall only be allowed for the transportation of non-hazardous materials. In such cases, applicants must demonstrate that line placement will have no appreciable effect upon flood depth, velocity or passage. Such lines shall be adequately protected from flood damage.

6. Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in floodway fringe or special flood hazard areas except where no other alternative is available or in the event a floodway fringe or special flood hazard location is environmentally preferable. In such instances, above ground structures shall be located so that no appreciable effect upon flood depth, velocity or passage is created, and shall be adequately flood proofed.

27.28.020 Prohibited uses. The following uses shall be prohibited in floodway fringe areas.

1. New mobile home parks and the expansion of existing mobile home parks.

#### Chapter 27.32

#### FLOODWAY USAGE

#### Sections:

- 27.32.010 Permitted uses.
- 27.32.020 Prohibited uses.

27.32.010 Permitted uses. The following uses are allowed in the floodway when permitted by the applicable zone in accordance with the Snohomish County Zoning Code, Title 18, provided that said use is in compliance with the flood hazard protection standards of Chapter 27.24 and other applicable provisions of this title; and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of Chapter 27.32.020(2):

1. Agriculture;
2. Forestry, including processing of forest products with portable equipment;
3. Preserves and reservations;
4. Park and recreational activities;
5. Removal of rock, sand and gravel, provided that the applicant can provide clear and convincing evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding 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 18.70, Mineral Conservation (MC) Zone and the Snohomish County Shoreline Management Master Program;

6. Utility transmission lines when allowed in underlying zones unless otherwise prohibited by this Chapter; EXCEPT that when the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway en route to another destination, as opposed to serving customers within a floodway, such transmission lines shall conform to the following:

a. All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways,

b. Electric transmission lines shall span the floodway with support towers located in flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive width, support towers shall be located to avoid high flood water velocity and/or depth areas, and shall be adequately floodproofed,

c. Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum established scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. In the event potential channel migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also govern placement. All hydrologic analyses are subject to acceptance by Snohomish County, shall assume the conditions of a 100 year frequency flood as verified by the U.S. Army Corps of Engineers, and shall include on-site investigations and consideration of historical meander characteristics in addition to other pertinent facts and data. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the Snohomish County shoreline management master program.

d. Buried utility transmission lines transporting non-hazardous materials including water and sewage shall be buried a minimum of four feet below the maximum established scour of the waterway as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. All hydrologic analyses shall conform to requirements in Section 27.32.010(6)(c) above. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the Snohomish County shoreline management master program.

e. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features. Burial depth in all agricultural areas requiring or potentially requiring subsurface drainage shall be a minimum of 6 feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with Snohomish County soils. Burial depth in all other agricultural and non-agricultural floodway areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage.

f. All buried utility transmission lines shall achieve sufficient negative bouyancy so that any potential for flotation or upward migration is eliminated.

g. Above ground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of non-hazardous materials where an existing or new bridge or other structure is available and capable of supporting the line. When located on existing or new bridges or other structures with elevations below the level of the one-hundred year flood, the transmission line shall be placed on the down-stream side and protected from flood debris. In such instances, site specific

conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such above ground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at the waterway crossing, burial specifications shall be determined as in (6)(d) above.

h. All floodway crossings by utility transmission lines transporting hazardous materials shall be equipped with valves capable of blocking flow within the pipeline in the event of leakage or rupture. All floodway crossings shall have valves unless otherwise indicated by standard engineering review of the site and type of transmission line as acceptable to Snohomish County with locations determined by other provisions of this Chapter.

i. Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in the floodway.

j. Where a floodway has not been determined by preliminary Corps of Engineers' investigations or official designation, a floodway shall be defined by qualified engineering work by the applicant on the basis of a verified one-hundred year flood event;

7. Substantial improvements to, or replacement of, an existing single-family farmhouse, provided that:

a. The new single-family farmhouse is built as the replacement for an existing single-family farmhouse on the same farm site; and

b. There is no potential building site for the new farmhouse on the same farm outside of the floodway; and

c. The house being replaced shall be removed, in its entirety (including foundation), from the floodway within 90 days after occupancy of the new dwelling; and

d. The elevation of the lowest habitable floor of the residence, including basement, is one foot higher than the base flood elevation; and

e. New and replacement water supply systems, are designed to eliminate or minimize infiltration of flood waters into the system; and

f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood waters into the system and discharge from the system into the flood waters; and

g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage; and

h. The new structure shall not exceed the total square footage of encroachment of the structure which existed prior to the replacement.

8. Improvements to existing residential structures that are not substantial improvements per section 27.08.095;

9. Water-dependent utilities and other installations which by their very nature must be in the floodway. 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; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices. PROVIDED, that the applicant shall supply convincing evidence that a floodway location is necessary in view of the objectives of the proposal and provided further that the proposal is consistent with other provisions of this title and the shoreline management master program. In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing.

10. Dikes, provided that 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;

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.

11. Public works, limited to roads and bridges.

27.32.020 Prohibited uses. The following uses/development are prohibited in the floodway:

1. Any structure, including mobile homes designed for, or to be used for, human habitation of a permanent nature (including temporary dwellings authorized by Section 18.82.030 of the County Zoning Code), except as provided by Section 27.32.010(7 & 8)

2. All encroachments, including fill, new construction, and other development unless verification by a registered professional engineer is provided demonstrating that the effect of the subject encroachment together with the cumulative effects of all similar potential encroachments shall not materially cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or result in any increase in flood levels during the occurrence of the base flood discharge.

3. The construction or storage of any object subject to flotation or movement during flood level periods;

4. The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway are specifically prohibited:

a. The filling of marshlands,

b. Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials,

c. Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge;

5. The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

## Chapter 27.36

### DENSITY FRINGE AREA

#### Sections:

- 27.36.010 Applicability
- 27.36.020 Area of coverage.
- 27.36.030 Maximum allowable density.
- 27.36.040 Maximum allowable obstruction.
- 27.36.050 Exceptions to maximum allowable density & obstruction limitations
- 27.36.060 General provisions.
- 27.36.070 Permitted uses.
- 27.36.080 Prohibited Uses.
- 27.36.090 Permit administration.

27.36.010 Applicability. This chapter provides 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 areas. The development criteria contained in Sections 27.36.030 and 27.36.040 shall be utilized to prevent a cumulative increase in the base flood elevation of more than one foot.

27.36.020 Area of coverage. The density fringe area shall consist of 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 Snohomish County and as incorporated herein by Sec. 27.12.020, 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.

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.

27.36.030 Maximum allowable density. The land area occupied by any use or development permitted by this chapter that will displace floodwaters shall not exceed two (2) percent of the land area of that portion of the lot located in the density fringe area. The limitations of this section shall not apply to those uses listed in Section 27.36.050

27.36.040 Maximum allowable obstruction. The maximum width (sum of widths) of all new construction, substantial improvements or other development shall not exceed fifteen (15) percent of the length of a line drawn perpendicular to the known floodwater flow direction at the point where the development(s) is located. The length of said line shall not extend beyond the property boundary or the edge of the density fringe area, whichever is less. The limitations of this section shall not apply to those uses listed in Section 27.36.050.

27.36.050 Exceptions to maximum allowable density and obstruction limitations. The following uses shall be exempt from the maximum allowable density and obstruction limitations of Sections 27.36.030 and 27.36.040:

1. water-dependent utilities
2. dikes
3. utility facilities
4. public works;

provided that the project proponent shall demonstrate that the floodwater displacement effects of the proposal when considered together with the maximum potential floodwater displacement allowed by Sections 27.36.030 and 27.36.040 shall not cause a cumulative increase in the base flood elevation of more than one foot.

27.36.060 General provisions. The following regulations shall apply to all development in the density fringe area:

1. Identified natural drainage channels that are secondary to the river channel(s) in discharging floodwaters downstream during flood periods shall be preserved or maintained as open space.
2. All structures and development shall be oriented parallel to known floodwater flow directions in order to minimize flow obstruction. Determination of such orientation shall be based upon topographical and historical flood data. When such information is not available, orientation shall be in an upstream-downstream direction, parallel with the adjacent river channel except that such orientation shall not be required for utility transmission lines permitted by 27.36.070(6), and roads permitted by 27.36.070 13(b).

3. All new construction and substantial improvements shall comply with the flood hazard protection standards of Section 27.24.020.

27.36.070 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,
  - b. Livestock protection mounds, provided that said mounds do not consist of solid waste as defined by this title;
  - 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 Title 18, chapter 18.70, Mineral Conservation Zone and the Snohomish County shoreline management master program;
6. Utility transmission lines, under the same terms and conditions of Section 27.28.010(B);
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 are not substantial improvements per Section 27.08.050;
9. Single family farmhouse structures (excluding mobile homes), provided that the following conditions are met:
  - a. 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 farmsite upon which the farmhouse will be located; and
  - b. A potential building site for the farmhouse on the same farmsite is not available outside the density fringe area; and
  - c. Earthfill utilized for building foundation shall be emplaced and stabilized in a manner that will prevent erosion from flood water flow; and
  - d. New and replacement water supply systems, are designed to eliminate or minimize infiltration of flood waters into the system; and
  - e. 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; and
  - f. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage; and
  - g. An egress plan for vacating the structure during the base flood occurrence shall be provided;
10. Marinas;
11. Dikes, provided that 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;

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.

27.36.080 Prohibited Uses. The following uses shall be prohibited in the density fringe area.

1. Any structure, including mobile homes, designed for, or to be used for human habitation of a permanent nature (including temporary dwellings authorized by Section 18.82.030 of the County Zoning Code), except as provided by Section 27.36.070, (8 and 9);

2. The construction or storage of any object subject to flotation or movement during flooding;

3. The filling of marshlands;

4. Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials;

5. Damming or relocation on any watercourse that will result in any downstream increase in flood levels during the base flood.

6. The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

27.36.090 Permit administration. The project proponent shall be responsible for verifying that the requirements of Sections 27.36.030, 27.36.040, 27.36.050 and 27.36.060 have been satisfied for any development in the density fringe area. The floodwater displacement information required by Section 27.36.050 shall be obtained and certified by a professional engineer. Any information necessary to demonstrate compliance with said sections shall be submitted to the department with the permit application as required by Section 27.16.040

## CHAPTER 27.40

### NONCONFORMING USES AND STRUCTURES

#### Sections:

- 27.40.010 Applicability
- 27.40.020 Nonconforming uses
- 27.40.030 Discontinuance
- 27.40.040 Restoration
- 27.40.050 Nonconforming structures

27.40.010 Applicability. Any nonconforming use or nonconforming structure may be continued subject to the provisions of this chapter.

27.40.020 Nonconforming uses. Nonconforming uses shall not be expanded and may be changed only to other uses which are allowed by this title; except that nonsubstantial improvements to the structural portions of nonconforming uses are allowed as provided in Section 27.12.040(A).

27.40.030 Discontinuance. If the nonconforming use is discontinued for a period of twelve (12) consecutive months or more, the nonconforming status of the use is terminated and any future use of the land or structures shall be in conformity with the provisions



of this title. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use.

27.40.040 Restoration. Nothing in this title shall be deemed to prohibit the restoration of the structural portions of a nonconforming use within six (6) months from the date of its accidental damage by fire, explosion, act of God, or act of public enemy; provided that the applicable elevation and/or floodproofing requirements of this title shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed seventy-five percent (75%) of the assessed value.

27.40.050 Nonconforming structures.

A. Nonconforming structures may be structurally altered or enlarged; provided that the degree of nonconformance shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed;

B. A nonconforming structure accidentally destroyed by fire, explosion, act of God, or act of public enemy to an extent where restoration costs would exceed seventy-five percent (75%) of the assessed value of the structure, shall be considered completely destroyed and shall be required to meet all applicable elevation and/or floodproofing requirements of this title.

CHAPTER 27.44

VARIANCES

Sections:

- 27.44.010 Procedure.
- 27.44.020 Variance limitations.
- 27.44.030 Conditions for granting.
- 27.44.040 Notification.

27.44.010 Procedure. Requests for variances from the provisions of this title shall be considered by the hearing examiner pursuant to all provisions of chapter 18.88, relating to zoning code variances unless expressly modified herein.

27.44.020 Variance limitations. Variances shall be limited solely to the consideration of:

1. Elevation requirements for first floor construction;
2. Elevation requirements for floodproofing;
3. The type and extent of required floodproofing.

Variances shall not be considered for any procedural or informational requirements or use prohibitions of this title.

27.44.030 Conditions for granting. Before a variance to the provisions of this title may be granted, it shall be shown that:

1. There are special circumstances applicable to the subject property or to the intended use, such as shape, topography, location or surroundings, that do not apply generally to the other property or class of use in the same vicinity and zone; and
2. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located; and
3. For residential new construction and residential substantial improvements, that such construction and improvements are contained on a lot one-half acre or less in size which is contiguous to and surrounded by existing structures constructed below the base flood elevation; and

4. Such a variance is the minimum necessary, considering the flood hazard, to afford relief; and
5. Failure to grant the variance would result in exceptional hardship to the applicant; and
6. The granting of such a variance will not result in:
  - a. increased flood heights
  - b. additional threats to public safety
  - c. extraordinary public expense
  - d. creation of nuisances
  - e. fraud on, or victimization of the public
  - f. conflicts with other existing local laws or ordinances.

27.44.040 Notification. All decisions to grant a variance pursuant to this chapter shall contain notification to the applicant that:

1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance which may be as high as \$25 per \$100 of insurance coverage or more; and
2. Such construction below base flood level increases risks to life and property.

#### Chapter 27.48

##### ENFORCEMENT

##### Sections:

- 27.48.010 Responsibilities of County Departments.  
27.48.020 Notice of Violation and Assessment of Penalty Fees.

##### 27.48.010 Responsibilities of County Departments.

A. It shall be the duty of the department to enforce the provisions of this title pertaining to all developments within the jurisdiction of this title. Whenever any development is found to be in violation of this title or a permit issued pursuant to this title, the director may order any work on such development stopped by serving written notice as described in Section 27.48.020 on any persons engaged in the doing or causing such development or substantial development to be done. Any such persons shall forthwith stop such work until authorized by the director to proceed with the work.

B. The Snohomish County Prosecuting Attorney shall bring such criminal, injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the special flood hazard areas located within Snohomish County in conflict with the provisions, policy, or intent of this title.

##### 27.48.020 Notice of Violation and Assessment of Penalty Fees.

A. Whenever the director has determined that a development is in violation of this title, he is authorized to issue a notice of violation to the property owner of record and/or to such other persons as are causing or contributing to such violation; and assess a cumulative civil penalty in the amount of fifty dollars per day from the date set for correction until the violation is corrected. Said notice shall contain:

- 1) The name and address of the owner of record and other person(s) to whom the notice of violation is directed;
- 2) The street address when available or a legal description sufficient for identification of the building, structure, premises, or land upon or within which the violation is occurring;
- 3) A statement of the nature of such violation(s);
- 4) A statement of the action required to be taken as determined by the director, and a date for correction;
- 5) A statement that a cumulative civil penalty in the amount of fifty (\$50.00) per day shall be assessed against the person to whom

the notice of violation is directed for each and every day following the date set for correction on which the violation continues; and

6) A statement that the determination of violation may be appealed to the hearing examiner by filing written notice of appeal, in duplicate, with the hearing examiner's office within fifteen calendar days of service of the notice of violation, and that the per diem civil penalty shall not accrue during the pendency of such administrative appeal unless the violation is determined by the director to be hazardous and to require immediate corrective action.

B. The notice of violation shall be served upon the person(s) to whom it is directed by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested, to such person at his last known address.

C. For good cause shown, the director may extend the date set for correction in the notice of violation provided, that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.

D. A notice of violation issued pursuant to this section constitutes a determination from which an administrative appeal may be taken to the hearing examiner, and shall be processed as an administrative appeal pursuant to Sections 2.02 SCC and 18.88 SCC. In the event the cumulative civil penalty is not stayed during the appeal because the director has determined that the violation is hazardous and requires immediate corrective action, the applicant shall be entitled to have the appeal considered by the hearing examiner within two (2) working days following filing of the appeal.

E. The civil penalty shall constitute a personal obligation of the person(s) to whom the notice of violation is directed. The prosecuting attorney, on behalf of the county, is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues.

F. The director and the Prosecuting Attorney are authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit for the collection of civil penalties to negotiate a settlement, compromise or otherwise dispose of a lawsuit when to do so will be in the best interests of the county.

## Chapter 27.52

### SEVERABILITY

#### Sections:

27.52.010 Severability.

27.52.010 Severability. If any provision of this title or its application to any person or circumstance is held invalid, such decision shall not effect the validity of the remaining portions of the ordinance or its application to other persons or circumstances.

Dated this 27th day of February, 1984.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Donald J. Butler  
Chairman

Ellie Snyder  
Clerk of the Council

- (  ) APPROVED
- (    ) EMERGENCY
- (    ) VETOED

DATE 3.5.84

William D. Tucker  
County Executive

PUBLISHED \_\_\_\_\_

Donna Leifer Johnson  
ATTEST

\_\_\_\_\_, DPA

Approved as to form

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