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SNOHOMISH COUNTY COUNCIL



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ORDINANCE NO. 89-023
AMENDING SNOHOMISH COUNTY CODE
TITLE 27, REGULATIONS FOR DEVELOPMENT IN
SPECIAL FLOOD HAZARD AREAS,
CHAPTERS 27.08, 27.12, 27.16, 27.24,
27.28, 27.32 AND 27.36 RELATING TO CRITICAL FACILITIES,
GENERAL PROVISIONS, AND STANDARDS

BE IT ORDAINED:

NEW SECTION. Section 1. That a new section 27.08.007 is added to SCC Title 27, enacted by Ord. 84-014 adopted February 27, 1984, as follows:

27.08.007 Critical facility. Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

Section 2. That SCC Title 27, section 27.08.090, enacted by Ord. 84-014 adopted February 27, 1984, is amended to read:

27.08.090 Structure. "Structure" means a walled building or mobile home, and includes a gas or liquid storage tank that is principally above ground.

Section 3. That SCC Title 27, subsection 27.12.040(B), enacted by Ordinance 84-014 adopted February 27, 1984, is amended to read:

27.12.040 General provisions.

. . .

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 and when development authorized by the permit will not:

1. Significantly increase the level of flooding on any lands;
2. Threaten the preservation of those natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by:
 - a. Creating or exacerbating rapid water runoff conditions which contribute to increased downstream flooding,

- b. Eliminating natural groundwater absorption areas essential for reducing surface flood flows downstream;
3. Materially pollute or contribute to the turbidity of flood waters;

Section 4. That SCC Title 27, section 27.16.010, enacted by Ord. 84-014 adopted February 27, 1984, is amended to read:

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.~~

NEW SECTION. Section 5. That a new subsection 27.16.060(C) is added to SCC Title 27, as follows:

27.16.060 Use of available data.

. . .

C. When a regulatory floodway for a stream has not been designated, the county may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3 (b)(3) and (4) and (C) (10) of the National Flood Insurance Program regulations.

Section 6. That SCC Title 27, section 27.24.020, enacted by Ord. 84-014 adopted February 27, 1984, is amended to read:

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.

(1) 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.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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.

E. Critical facilities shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

NEW SECTION. Section 7. That a new subsection 27.28.010(C) is added to Title 27 as follows:

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

. . .

C. Critical facilities. Construction of new critical facilities shall be allowed only if no feasible alternative site is available outside of the flood hazard area.

Section 8. That SCC Title 27, section 27.32.020, last amended by Ord. 86-092 adopted September 10, 1986, is amended to read:

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. Critical facilities.

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.

Section 9. That SCC Title 27, section 27.36.080, last amended by Ord. 86-092 adopted September 10, 1986, is amended to read:

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. Critical facilities.

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.

Dated this 26th day of April, 1989.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

William H. DeWahl
Chairman

Julie Van Cleave
ASST. Clerk of the Council

-) APPROVED
-) EMERGENCY
-) VETOED

DATE May 3, 1989

John Martinis
County Executive

JOHN MARTINIS
Deputy Executive

PUBLISHED _____

Julie A. Tarrow, DPA
Approved as to form only on
January 26, 1989
(Date)