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SNOHOMISH COUNTY
EXECUTIVE OFFICE

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COUNTY COUNCIL
Snohomish County, Washington



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EMERGENCY ORDINANCE NO. 91 - 120

RELATING TO REPAIR OF FLOOD DAMAGED STRUCTURES;
AMENDING SCC TITLES 17, 12 AND 27

BE IT ORDAINED:

Section 1. The Council makes the following findings and conclusions:

1. Catastrophic floods occurred in Snohomish County between November 23rd and 26th, 1990, and caused severe damage to many structures located in the county.
2. Many citizens of Snohomish County face a serious threat to their property following flood damage, from such factors as moisture infiltration, freezing temperatures, undermined foundations, structural failures due to weakened or damaged structural members, eroded stream and river banks, vandalism and the potential for additional flooding during the winter and spring months. Flood damaged structures are likely to incur continued and/or additional damage if immediate preventative measures are not taken.
3. Titles 17 and 27 Snohomish County Code establish a schedule of fees required for the application, review, inspection and/or issues of building permits and flood hazard permits.
4. Snohomish County Code 23.12.120 identifies areas designated as environmentally sensitive in which certain identified actions are subject to environmental review pursuant to the State Environmental Policy Act, Chapter 43.21C, (SEPA), and the Snohomish County Environmental Policy Ordinance, Title 23 SCC (SCEPO), which actions would otherwise be categorically exempt from such review.
5. WAC 197-11-880 exempts from environmental review, actions that must be undertaken immediately to avoid an imminent danger to public or private property or to prevent an imminent threat of serious environmental degradation.
6. The Council concludes that restoration and repair of preexisting structures to their pre-flood condition will not create the likelihood of a substantial adverse environmental impact in cases where the structures are to be repaired, sited on their original or elevated foundations, and/or at elevated locations, and are not enlarged in any manner. The Council concludes further that such restoration and

repair work is categorically exempt from environmental review pursuant to WAC 197-11-880.

7. The Council concludes that the application and review process for permits to repair damage caused by flooding and restore structures to their pre-flood conditions, as well as the inspection of such repair work, should be expedited. The Council therefore concludes that for a period ending August 31, 1991, building permit-related fees charged pursuant to Title 17 SCC and flood hazard permit fees charged pursuant to Title 27 SCC should be waived for building and flood hazard permits issued to repair and restore to their pre-flood condition structures damaged by the November, 1990 flooding. The Council further concludes that such permit applications should be exempt from environmental review pursuant to SEPA and SCEPO.

8. The Council concludes that Emergency Ordinance 90-212 which similarly expedited permit reviews for flood-damaged structures and was repealed on June 1, 1991, provided insufficient time for affected landowners to apply for and receive permits for flood damage repair due to unusually long winter weather. The Council concludes that this ordinance should remain in effect through August, 1991, and be repealed September 1, 1991.

NEW SECTION, Section 2. A new section, Section 17.02.105, is added to Snohomish County Code Chapter 17.02 as follows:

17.02.105 Emergency Building Permit Fee Waiver.

(1) Notwithstanding the provisions of SCC 17.02.020, .040, .090, and .100, no basic permit fee, plan review fee, miscellaneous building/structural fee or building permit fee shall be charged for permits to repair or restore to their pre-flood condition structures damaged by the November, 1990 flooding or to site such structures on their original or an elevated foundation, and/or at an elevated location on the property, where such structures are not enlarged from their pre-flood dimensions in any manner: Provided, however, that all such construction or reconstruction must comply with the requirements of federal, state and county laws and regulations including, but not limited to, floodplain management requirements.

(2) To be eligible for the fee waiver authorized by subsection 1 of this section, a permit applicant must include on the application: (a) a statement that the structure for which the permit is sought was damaged in the November 1990 flooding; and (b) a detailed identification of the proposed repairs.

(3) This section is hereby repealed on September 1, 1991.

NEW SECTION, Section 3. A new section, Section 23.12.130 is added to Snohomish County Code, Chapter 23.12 as follows:

SCC 23.12.130 Emergency Flood Damage Exemptions.

(1) Notwithstanding any other provision of this title, an activity for which environmental review is required pursuant to SCC 23.12.120 shall be categorically exempt from such review if the activity is undertaken to repair or restore to its pre-flood condition a structure damaged by flooding during November 1990 or to a site the structure on its original or an elevated foundation, and/or at a safer elevated location on the property, and the structure is not enlarged from its pre-flood dimensions in any manner: Provided, however, that all such construction or reconstruction must comply with the regulations, including, but not limited to, floodplain management requirements.

(2) To be eligible for the exemption from environmental review authorized by subsection 1 of this section, a permit applicant must include on the application: (a) a statement that the structure for which the permit is sought was damaged in the November 1990 flooding; and (b) a detailed identification of the proposed repairs.

3. This section is hereby repealed on September 1, 1991.

NEW SECTION, Section 4. A new section, Section 27.16.080 is added to Snohomish County Code Chapter 27.16 as follows:

SCC 27.16.080 Emergency Flood Hazard Permit Fee Waiver.

(1) Notwithstanding the provisions of SCC 27.16.070, no permit fee shall be charged for a flood hazard permit issued to repair or restore to its pre-flood conditions a structure damaged by the November 1990 flooding or to a site the structure on its original or an elevated foundation, and/or at an elevated location on the property, where the structure is not enlarged from its pre-flood dimensions in any manner: Provided, however, that all such construction or reconstruction must comply with the requirements of federal, state and county laws and regulations, including, but not limited to, floodplain management requirements.

(2) To be eligible for the fee waiver authorized by subsection 1 of this section, a permit applicant must include on the application: (a) a statement that the structure for which the permit is sought was damaged in the November 1990 flooding; and (b) a detailed identification of the proposed repairs.

(3) This section is hereby repealed on September 1, 1991.

Section 5. Emergency Declared. The findings and conclusions stated in Section 1 of this ordinance are incorporated herein by this reference. Based upon the foregoing, the Council finds and declares that this ordinance is necessary for the immediate preservation of public health and safety and for the support of county government and its existing public institutions and that an emergency exists. Therefore, this ordinance shall be effective immediately.

PASSED this 7th day of August, 1991.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Brian Colva
Chairperson

Approved as to form:

Deputy Prosecuting Attorney

ATTEST:

Sheila McCallister
Clerk of the Council, *asst*

(X) APPROVED

() VETOED

() EMERGENCY

DATE: 8/8/91

Gary Weikel
GARY WEIKEL
Executive Administrator
County Executive

PUBLISHED _____ and _____.