

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



CO00022434

EMERGENCY ORDINANCE NO. 96-054  
RELATING TO REPAIR OF FLOOD DAMAGE;  
AMENDING S.C.C. TITLES 17, 23 AND 27

BE IT ORDAINED:

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

1. Catastrophic floods and wind damage occurred in Snohomish County between November 27th and December 13, 1995 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 and properties are likely to incur continued and/or additional damage if preventative measures are not taken.
3. Titles 17 and 27 Snohomish County Code (S.C.C.) establish a schedule of fees required for the application, review, inspection and/or issues of building permits, grading 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, 9 (S.E.P.A.), and the Snohomish County Environmental Policy Ordinance, Title 23 S.C.C. (S.C.E.P.O.), which actions would otherwise be categorically exempt from such review.
5. Snohomish County Code 32.10.040, Critical Areas Regulation and 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 pre-existing structures and properties to their pre-flood condition will not create the likelihood of substantial adverse environmental impact in cases where the structures are to be repaired, sited on their original or elevated foundations, and/or at an elevated location, 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 July 31, 1996, building and grading fees charged pursuant to Title 17 S.C.C. and flood hazard permit fees charged pursuant to Title 27 S.C.C. should be waived for building and flood hazard permits issued to repair and restore to their pre-flood condition, structures and properties damaged by the floods and winds of November, and December, 1995 flooding. The Council further concludes that such permit applications should be exempt from environmental review pursuant to S.E.P.A. and S.C.E.P.O.

8. The Council concludes that Emergency Ordinance 95-124 which similarly expedited permit reviews for flood and wind damaged structures and was repealed on May 31, 1996, provided insufficient time for affected landowners to apply for necessary permits due to unforeseen logistical difficulties. The Council concludes that this ordinance should restore these conditions and be repealed July 31, 1996.

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 S.C.C. 17.02.020, .040, .090, and .100, no basic permit fee, grading 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 and properties damaged by the November, 1995 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 or property for which the permit is sought was damaged in the November, 1995 flooding; and (b) a detailed identification of the proposed repairs.

(3) This section is hereby repealed on July 31, 1996.

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

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 S.C.C. 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 or property damaged by flooding during November, 1995 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 or property for which the permit is sought, was damaged in the November, 1995 flooding; and (b) a detailed identification of the proposed repairs.

(3) This section is hereby repealed on July 31, 1996.  
NEW SECTION, Section 4. A new section, Section 27.16.075 is added to Snohomish County Code Chapter 27.16 as follows:

27.16.075 Emergency flood hazard permit fee waiver.

(1) Notwithstanding the provisions of S.C.C. 27.16.070, no permit fee shall be charged for a flood hazard permit issued to repair or restore to its pre-flood condition, a structure or property damaged by the November, 1995 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 or property for which the permit is sought was damaged in the November, 1995 flooding; and (b) a detailed identification of the proposed repairs.

(3) This section is hereby repealed on July 31, 1996.

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 17<sup>th</sup> day of June, 1996.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

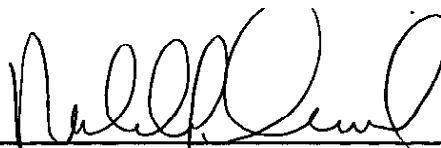
John Hamer  
Vice Chairperson

ATTEST:

Barbara Diteretti  
Clerk of the Council, *Asst.*

( ) APPROVED  
( ) VETOED  
( ) EMERGENCY

DATE: 6/19/96

  
\_\_\_\_\_  
County Executive

ATTEST:

  
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Marilyn B. Abel

ROBERT J. DREWE.  
County Executive