

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



AMENDED ORDINANCE NO. 99-083
AMENDING SNOHOMISH COUNTY CODE TITLE 27, RELATING TO STANDARDS
FOR DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS

WHEREAS, the Growth Management Act (GMA) requires the county to adopt development regulations that are consistent with the county's adopted GMA Comprehensive Plan; and

WHEREAS, Title 27 SCC is a GMA regulation adopted by incorporation in the County's critical areas regulations, and

WHEREAS, the proposed amendments are consistent with the county's adopted GMA Comprehensive Plan; and

WHEREAS, the proposed amendments are necessary to maintain consistency with the provisions of the Washington State Floodplain Management Act (chapter 86.16 RCW), and the provisions of the National Flood Insurance Program; and

WHEREAS, the Snohomish County Planning Commission held a hearing on July 27 1999, to consider the proposed amendments; and

WHEREAS, the Snohomish County Council held a public hearing on October 13, 1999 to consider the proposed amendments and the Planning Commission's recommendations;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts the following findings of fact and conclusions.

1. The proposed amendments are consistent with the county's adopted GMA Comprehensive Plan.
2. The proposed amendments are necessary to make county code consistent with the regulations governing development in special flood hazard areas contained in the Washington State Floodplain Management Act (chapter 86.16 RCW); and specifically the recently adopted provisions of 86.16.041 pertaining to the replacement of farmhouses and single family dwellings in designated floodways.
3. The proposed amendments are consistent with the provisions of the Federal Emergency Management Agency's National Flood Insurance Program, including compliance with section 60(3)(d), (Regulations for Floodplain Management and Flood Hazard Identification).

4. The proposed amendments have been reviewed by the Federal Emergency Management Agency and the Washington State Department of Ecology, and have been found acceptable for adoption.
5. A determination of nonsignificance has been issued for the proposed action pursuant to Title 23 SCC and the State Environmental Policy Act (SEPA) on June 25, 1999. The SEPA requirements for the proposed action have been satisfied by this document.
6. Public notice of the planning commission and county council hearings was provided as required by applicable county code.
7. The proposed amendments are in the best interest of the county and will promote the general public health, safety and welfare.

Section 2. A new section is added to Chapter 27.08 Snohomish county code to read:

27.08.019 Farmhouse.

"Farmhouse" means a single-family dwelling locating on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

Section 3. Snohomish county code Section 27.12.020, last amended by Ordinance 84-014, on February 27, 1984 is amended to read:

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))~~ November 8, 1999, or as amended, 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.

Section 4. Snohomish county code Section 27.24.020, last amended by Ordinance 99-011, on March 22, 1999 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 SCC 27.16.060, the following regulations shall apply, in addition to the general regulations of SCC 27.24.010:

(1) All electrical, heating, ventilation, plumbing, and air conditioning equipment that is permanently affixed to a structure and which may be subject to floodwater

damage shall be elevated a minimum of one foot above the base flood elevation or higher (unless within an approved watertight structure).

(2) Residential Construction.

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

(b) 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:

(i) 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.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices PROVIDED That they permit the automatic entry and exit of floodwaters.

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

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

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(4) Agricultural Construction. New construction and substantial improvement of any agricultural structure shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; meet the floodproofing requirements of subsection (3) of this section; or, together with attendant utility and sanitary facilities, shall:

(a) Have a low potential for structural flood damage; and shall not exceed a maximum market value for the cost of construction of ~~\$(48)~~30,000. The market 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;

(b) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage.

Construction under the provisions of (a) and (b) of this subsection will result in increased premium rates for flood insurance which may be as high as \$25.00 per \$100.00 of insurance coverage, or more.

(5) Mobile Homes.

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

(b) 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:

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

(ii) Adequate surface drainage and access provided for a hauler; and

(iii) In the instance of elevation on pilings (A) lots large enough to permit steps, (B) piling foundations placed in stable soil no more than 10 feet apart, and (C) reinforcement provided for pilings extending more than six feet above the ground level.

(6) Critical facilities shall have the lowest floor, and the items listed in subsection (1) of this section, 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.

(7) Recreational Vehicles. Recreational vehicles, when otherwise permitted by county code, shall:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Meet the mobile home anchoring and elevation standards of SCC 27.24.020(4).

Section 5. Snohomish county code Section 27.32.010, last amended by Ordinance 99-011 on March 22, 1999 is amended to read:

27.32.010 Permitted uses.

The following uses are allowed in the floodway when permitted by the applicable zone in accordance with the Title 18 SCC: PROVIDED, That said use is in compliance with the flood hazard protection standards of chapter 27.24 SCC and other applicable provisions of this title; and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of SCC 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 18.54 SCC, 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 subsection (6)(c) of this section. 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 six 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 buoyancy 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 100-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 subsection (6)(d) of this section.

(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 100-year flood event;

(7) ~~((Substantial improvements to, or replacement of, an existing single family farmhouse: PROVIDED, That))~~ Repairs, reconstruction, replacement, or improvements to existing farmhouse structures which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170, subject to the following:

(a) The new ~~((single family))~~ farmhouse is ~~((built as the))~~ a replacement for an existing ~~((single family))~~ farmhouse on the same farm site;

(b) There is no potential building site for ~~((the new))~~ a replacement farmhouse on the same farm outside ~~((of))~~ the designated floodway;

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

(d) For substantial improvements, and replacement farmhouses, ((~~the~~)) the elevation of the lowest ~~((habitable))~~ floor of the ~~((residence))~~ improvement and farmhouse respectively, including basement, is one foot higher than the base flood elevation;

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

(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;

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

(h) The ~~((new structure))~~ replacement farmhouse shall not exceed the total square footage of encroachment of the structure which ~~((existed prior to the replacement))~~ it is replacing.

(8) Replacement of single family dwellings, other than farmhouse replacement pursuant to SCC 27.32.010(7), when the flood depth, flood velocity, and flood-related erosion of the site is evaluated in order to identify a building location that offers the least risk of harm to life and property. A suitable building location for a replacement structure shall be approved for structures damaged by flooding or flood-related erosion only when the following are met:

(a) The state department of ecology, pursuant to RCW 86.16.041(4) and (5), assesses the risk of harm to life and property posed by the specific conditions of the floodway at any proposed building site, and based upon scientific analysis of depth, velocity, and flood-related erosion recommends to the county that a waiver to the floodway prohibition of RCW 86.16.041(2)(a) for repair, replacement or relocation of such structures is authorized for a specific building location.

(b) Repair, replacement or relocation of such structures is permitted only when authorization required pursuant to 27.31.010(8)(a) is given in writing by the state department of ecology pursuant to RCW 86.16.041(4) and (5).

~~(((8)))~~9) Repair, reconstruction, or improvement of residential structures, where repair, reconstruction, or improvement of a structure does not increase the ground floor area, and is not a substantial improvement per SCC 27.08.095;

~~(((9)))~~10) 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.

~~(((40)))~~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.

~~(((44)))~~12) Public works, limited to roads and bridges.

Section 6. Snohomish county code Section 27.32.020, last amended by Ordinance 99-011, on March 22, 1999, 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 SCC 18.32.040) except as provided by SCC 27.32.010(7), (8) and (9).

(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;

(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.

Section 7. Effective date of Section 3. Section 3 of this ordinance shall not take effect until November 8, 1999.

Section 8. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED this 13th day of October, 1999.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington




Richard Larsen, Chair

ATTEST:


Asst. Clerk of the Council

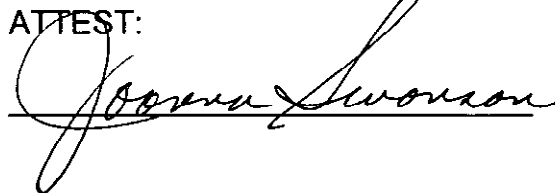
- APPROVED
- EMERGENCY
- VETOED

Date: 10-14-99


Robert J. Drewel, County Executive

JOAN M. EARL
Deputy Executive

APPROVED AS FORM:

ATTEST:


Deputy Prosecuting Attorney

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