

1 ADOPTED: 11/04/20
2 EFFECTIVE: 11/27/20

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6
7 SNOHOMISH COUNTY COUNCIL
8 Snohomish County, Washington

9
10 ORDINANCE NO. 20-076

11
12 RELATING TO GROWTH MANAGEMENT; ADOPTING THE FLOOD
13 INSURANCE STUDY FOR SNOHOMISH COUNTY WASHINGTON AND
14 INCORPORATED AREAS WITH THE ACCOMPANYING FLOOD INSURANCE RATE
15 MAPS; UPDATING SPECIAL FLOOD HAZARD REGULATIONS; AMENDING
16 CHAPTERS 30.43C AND 30.65 AND SUBTITLE 30.9
17 OF THE SNOHOMISH COUNTY CODE
18

19 WHEREAS, Snohomish County (“County”) participates in the National Flood Insurance
20 Program (NFIP) administered by the federal government through the Department of Homeland
21 Security’s Federal Emergency Management Agency (FEMA); and
22

23 WHEREAS, the County’s participation in the NFIP directly benefits Snohomish County
24 residents by providing an opportunity for owners of property with a high risk of flood damage to
25 purchase affordable flood insurance through the NFIP; and
26

27 WHEREAS, as a condition of participation in the NFIP, the County is required to adopt
28 the FEMA prepared and approved Flood Insurance Study (FIS) and associated Flood Insurance
29 Rate Maps (FIRMs), which illustrate flood risk throughout unincorporated Snohomish County;
30 and
31

32 WHEREAS, as a requirement of maintaining NFIP eligibility and participation, the
33 County is also required to adopt and maintain floodplain management regulations that meet or
34 exceed NFIP standards and regulations, set forth in the Code of Federal Regulations (CFR) at 44
35 CFR § 60.3; and
36

37 WHEREAS, chapter 30.43C of the Snohomish County Code (SCC or the “Code”) provides procedural and permitting requirements for flood hazard permits; and
38
39

40 WHEREAS, chapter 30.65 SCC includes standards and restrictions for development in
41 the special flood hazard areas; and
42

1 WHEREAS, on January 12, 2007, FEMA notified the County of proposed changes to the
2 Base Flood Elevations (BFE) affecting the FIRMs and the FIS for the unincorporated areas of
3 the County; and
4

5 WHEREAS, on February 1, 2018, FEMA notified the County of proposed modified
6 Flood Hazard Determinations (FHD) for the unincorporated areas of the County; and
7

8 WHEREAS, on January 16, 2019, staff from the Washington State Department of
9 Ecology (“Department of Ecology”) visited the County and completed a Community Assistance
10 Visit (CAV); and
11

12 WHEREAS, on October 24, 2019, the Department of Ecology issued a CAV report to the
13 County identifying recommended and required amendments to floodplain management
14 regulations in the Code; and
15

16 WHEREAS, after extensive review and multiple public comment periods, the County
17 received a letter on December 19, 2019, from FEMA stating that determination on the proposed
18 FHDs is considered final, and that the final BFEs and FHDs would become effective on June 19,
19 2020; and
20

21 WHEREAS, as a condition of continued eligibility in the NFIP, the County was required
22 to adopt the updated FIS and associated FIRMs no later than June 19, 2020; and
23

24 WHEREAS, as a condition of continued eligibility in the NFIP, the County was required
25 to adopt updated floodplain management regulations that meet or exceed the standards of the
26 NFIP regulations found at 44 CFR § 60.3(d) and (e) prior to June 19, 2020; and
27

28 WHEREAS, staff briefed the Snohomish County Planning Commission (“Planning
29 Commission”) on the necessary amendments to the County’s flood hazard regulations on
30 February 25, 2020, and the Planning Commission scheduled a public hearing to consider the
31 amendments on March 24, 2020; and
32

33 WHEREAS, on March 23, 2020, responding to the COVID-19 public health emergency,
34 Washington State Governor Jay Inslee issued Proclamation 20-25, “Stay Home – Stay Healthy,”
35 prohibiting all Washington residents from leaving their homes and closing all non-essential
36 business operations including many normal governmental functions; and
37

38 WHEREAS, due to Proclamation 20-025, the Planning Commission’s March 24, 2020,
39 April 28, 2020, and May 26, 2020, meetings were canceled, which prevented the Planning
40 Commission from holding a public hearing on the proposed amendments and precluded the
41 Planning Commission from making a recommendation to the Snohomish County Council
42 (“County Council”); and

1
2 WHEREAS, pursuant to SCC 30.73.040, the County Council may not consider Type 3
3 legislation that has not had a public hearing nor received a recommendation from the Planning
4 Commission unless an exemption under SCC 30.73.040(2) is applicable; and
5

6 WHEREAS, failure to adopt the FIS, FIRMs, and code amendments required by FEMA
7 by June 19, 2020, could have resulted in the County being suspended from the NFIP and County
8 residents losing the ability to purchase federally-subsidized flood insurance; and
9

10 WHEREAS, to ensure timely adoption of the proposed regulations, the County Council
11 adopted Ordinance No. 20-029 on May 27, 2020, which adopted all changes to chapters 30.43C
12 and 30.65 and subtitle 30.9 SCC required for NFIP compliance as interim official controls
13 without receiving a Planning Commission recommendation as allowed by Revised Code of
14 Washington (RCW) 36.70A.390 and SCC 30.73.090; and
15

16 WHEREAS, the interim official controls adopted by Ordinance No. 20-029 will
17 automatically expire on December 13, 2020, six months after becoming effective, consistent with
18 RCW 36.70A.390; and
19

20 WHEREAS, continued compliance with the NFIP requires adoption of permanent
21 floodplain management regulations that meet or exceed the standards of the regulations found at
22 44 CFR § 60.3(d) and (e) and adoption of the FEMA prepared and approved FIS and associated
23 FIRMs dated June 19, 2020, prior to the expiration of the interim official controls adopted by
24 Ordinance No. 20-029; and
25

26 WHEREAS, the amendments proposed by this ordinance will adjust the uses allowed in
27 areas of the County where the density fringe coincides with an urban growth area but are
28 otherwise identical to the interim official controls adopted via Ordinance No. 20-029; and
29

30 WHEREAS, the Snohomish County Department of Planning and Development Services
31 (PDS) briefed the Planning Commission on July 28, 2020, on the proposed amendments to
32 chapters 30.43C and 30.65 SCC and subtitle 30.9 SCC; and
33

34 WHEREAS, the Planning Commission held a public hearing on August 25, 2020, to
35 receive public testimony concerning the code amendments contained in this ordinance; and
36

37 WHEREAS, at the conclusion of the Planning Commission's public hearing, the
38 Planning Commission deliberated on the proposed code amendments and recommended approval
39 of the amendments contained in this ordinance; and
40

1 WHEREAS, on November 4, 2020, the County Council held a public hearing after proper
2 notice, and considered public comment and the entire record related to the code amendments
3 contained in this ordinance; and
4

5 WHEREAS, following the public hearing, the County Council deliberated on the code
6 amendments proposed by this ordinance;
7

8 NOW, THEREFORE, BE IT ORDAINED:
9

10 Section 1. The County Council adopts the following findings in support of this
11 ordinance:
12

13 A. The foregoing recitals are adopted as findings as if set forth in full herein.
14

15 B. Ordinance No. 20-029 adopted the updated FIS, the updated FIRMs, and the updated flood
16 area regulations as interim official controls as an emergency action under SCC 30.73.090 and
17 RCW 30.70A.390 to ensure that Snohomish County's participation in the NFIP did not lapse.
18 Unless extended or replaced by adoption of permanent controls, the interim official controls
19 will automatically expire on December 13, 2020.
20

21 C. Continued participation in the NFIP requires permanent adoption of the updated FIS and
22 FIRMs dated June 19, 2020, and all other code changes required for consistency with NFIP
23 standards.
24

25 D. This ordinance replaces the interim official controls adopted by Ordinance No. 20-029 in
26 chapters 30.43C and 30.65 SCC and subtitle 30.9 SCC with permanent regulations regarding
27 development in the special flood hazard areas.
28

29 E. This ordinance will repeal Ordinance No. 20-029 and amend chapters 30.43C and 30.65 SCC
30 and subtitle 30.9 SCC to update regulations related to development in special flood hazard
31 areas; such amendments are necessary to maintain the County's eligibility to participate in the
32 NFIP. In particular, the amendments will:
33

- 34 1. Amend SCC 30.43C.020 to clarify that a flood hazard permit is required for any
35 development in a special flood hazard area as that phrase is defined in SCC 30.91D.250.
36
- 37 2. Amend SCC 30.43C.030 to require additional submittal requirements for proposals that
38 will alter the base flood elevation, the boundaries of a special flood hazard area, or both.
39
- 40 3. Add SCC 30.43C.220 stating that enforcement of chapter 30.43C SCC is accomplished
41 under the provisions of chapter 30.85 SCC.
42

- 1 4. Amend SCC 30.65.040 to permanently adopt the FIS and FIRMs that became effective
2 on June 19, 2020.
3
- 4 5. Add SCC 30.65.060 to recognize that the provisions of chapter 30.65 SCC are not
5 intended to affect any existing easements, covenants, or deed restrictions and requiring
6 the imposition of the more stringent restrictions when chapter 30.65 SCC conflicts or
7 overlaps with any existing easements, covenants, or deed restrictions.
8
- 9 6. Amend chapter 30.65 SCC by adding new section SCC 30.65.070 to designate a
10 floodplain administrator and new section SCC 30.65.075 to assign duties and
11 responsibilities to the floodplain administrator.
12
- 13 7. Amend SCC 30.65.100 to prohibit construction, substantial improvements or
14 development within the AE zone unless an applicant demonstrates the cumulative effect
15 of the proposed development when combined with existing and anticipated development
16 will not increase the water surface elevation of the base flood more than one foot.
17
- 18 8. Amend SCC 30.65.110 and SCC 30.65.120 to update floodproofing standards for
19 consistency with general federal regulations.
20
- 21 9. Amend SCC 30.65.125 for consistency with federal regulations.
22
- 23 10. Amend SCC 30.65.130 to clarify that an elevation certificate, when required, shall use
24 the current version of the FEMA prepared form.
25
- 26 11. Amend SCC 30.65.140 to require the County's floodproofing certificate be consistent
27 with that required by FEMA for the administration of the NFIP.
28
- 29 12. Amend chapter 30.65 SCC by adding new section SCC 30.65.170 recognizing that
30 livestock flood sanctuaries are allowed in certain instances in special flood hazard areas
31 and establishing standards for the use of livestock flood sanctuaries on agricultural land.
32
- 33 13. Amend SCC 30.65.220 to update regulations related to the repair or reconstruction of
34 non-farmhouse residences that are substantially damaged during a flood event. The
35 amendments are necessary to ensure the County's regulations are consistent with federal
36 regulations.
37
- 38 14. Amend SCC 30.65.230 to prohibit proposed encroachments in a floodway unless an
39 applicant provides a certification from a relevant professional confirming the proposal
40 will not result in an increase of flood levels during a base flood.
41

- 1 15. Amend SCC 30.65.240 to recognize that the density fringe area includes those areas so
2 designated in the updated FIS and on the updated FIRMs.
3
- 4 16. Amend SCC 30.65.280 to expand the permitted and conditionally permitted uses in the
5 portions of the density fringe area that coincide with an urban growth area to allow
6 certain uses that would be allowed in the underlying zone. Other uses not compatible
7 with an area that may flood are specifically prohibited. All uses in the density fringe
8 must satisfy the previously adopted performance standards.
9
- 10 17. Add a new section SCC 30.65.290 to adopt standards for development in shallow
11 flooding areas.
12
- 13 18. Add a new section SCC 30.65.295 to adopt standards for development in coastal high
14 hazard areas.
15
- 16 19. Add a new section SCC 30.65.350 stating that enforcement of chapter 30.65 SCC is
17 accomplished under the provisions of chapter 30.85 SCC.
18
- 19 20. Amend chapters 30.91A, 30.91B, 30.91C, 30.91D, 30.91F, 30.91H, 30.91L, 30.91M,
20 30.91N, 30.91R, and 30.91S SCC to both update existing definitions and add new
21 required definitions related to special flood hazard areas to ensure consistency with NFIP
22 standards and maintain participation in the program.
23

24 F. In considering the proposed amendments, the County considered the goals of the Growth
25 Management Act (GMA), chapter 36.70A RCW. The proposed amendments are consistent
26 with:

27
28 GMA Goal 10 - "Environment. Protect the environment and enhance the state's high
29 quality of life, including air and water quality, and the availability of water."
30

31 The proposed amendments support GMA Goal 10 by placing restrictions on flood hazard
32 areas that are located on and adjacent to water bodies. Flood hazard regulations protect quality
33 of life by working to reduce damage to development as a result of flooding and by ensuring
34 that flood areas remain able to hold and discharge floodwaters. Further, they work to protect
35 watercourses and other water bodies and water quality by placing restrictions on development
36 near these areas.
37

38 G. In considering the proposed amendments, the County considered the goals, objectives, and
39 policies of the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy
40 Plan (GPP). The proposed amendments will better achieve, comply with, and implement the
41 following goal, objective, and policies in the GPP:
42

1 Objective LU 1.A – “Establish UGAs with sufficient capacity to accommodate the
2 majority of the county's projected population, employment, and housing growth over the
3 next 20 years.”
4

5 LU Policy 1.A.12 – “Urban growth areas which are located within the floodplain, as
6 identified in chapter 30.65 SCC (Special Flood Hazard Areas), shall comply with all
7 provisions of that chapter, Annexation agreements shall ensure the continued
8 implementation of this policy except that the annexing city or town may revise the list of
9 allowed uses in the density fringe area once the area is annexed, provided that the city or
10 town complies with the two percent maximum allowable density and the fifteen percent
11 maximum allowable obstruction regulations in chapter 30.65 SCC and the purpose and
12 intent of chapter 30.65 SCC are upheld.”
13

14 The proposed amendments are consistent and will facilitate implementation of Land Use
15 Policy 1.A.12. They will update the allowed uses in the portions of the density fringe area
16 that also fall within urban growth areas to allow industrial uses that are consistent with
17 the underlying zoning while also specifically prohibiting certain uses that are
18 incompatible with areas that may flood. Further, all performance standards in the density
19 fringe will be maintained and uses that are prohibited in the density fringe or by the
20 Shoreline Management Plan will continue to be prohibited.
21

22 Goal NE 3 – “Comply with the requirements of state, federal and local laws for
23 protecting and managing critical areas, shorelines, and water.”
24

25 Objective NE 3.D - “Designate and protect frequently flooded areas pursuant to the
26 Growth Management Act.”
27

28 NE Policy 3.D.3 – “The county should meet the requirements of the National Flood
29 Insurance Program.”
30

31 NE Policy 3.D.4 – “The county should participate in the National Flood Insurance
32 Program Community Rating System (CRS).”
33

34 NE Policy 3.D.5 – “The county should incorporate new science and analysis of flood
35 hazards into its regulations and mapping as they become available, including accounting
36 for increases in future flood flows, sea level rise and tsunami risk.”
37

38 The proposed amendments will facilitate implementation of this planning goal, this
39 planning objective, and these planning policies by improving the regulatory protection of
40 frequently flooded areas. The proposed amendments will permanently adopt floodplain
41 management regulations and FIRMs that incorporate the newest scientific analysis into

1 determination of flood risk. Finally, permanent adoption of updated maps and updated
2 codes is required for continued participation in the NFIP and CRS.

3
4 H. Procedural requirements.

- 5
6 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
7 respect to this non-project action have been satisfied through the completion of an
8 environmental checklist and the issuance of a determination of non-significance on
9 October 8, 2020.
- 10
11 2. The proposal will adopt amendments to the SCC that will replace the interim official
12 controls adopted by Ordinance No. 20-029, which are set to expire on December 13,
13 2020.
- 14
15 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
16 transmitted to the Washington State Department of Commerce for distribution to state
17 agencies on September 11, 2020.
- 18
19 4. The public participation process used in the adoption of this ordinance complies with all
20 applicable requirements of the GMA and the SCC.
- 21
22 5. The Washington State Attorney General last issued an advisory memorandum, as
23 required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum:
24 Avoiding Unconstitutional Takings of Private Property” to help local governments avoid
25 the unconstitutional taking of private property. The process outlined in the State
26 Attorney General’s 2018 advisory memorandum was used by the County in objectively
27 evaluating the regulatory changes proposed by this ordinance.

28
29 I. The proposed amendments are consistent with the record.

- 30
31 1. County residents and property owners can purchase affordable flood insurance that helps
32 offset the risk of flood damage because of the County’s participation in the NFIP.
- 33
34 2. As a condition of participation in the NFIP, the County was required to adopt FEMA-
35 published FIS and FIRMs and floodplain management regulations that are consistent with
36 NFIP standards found in 44 CFR § 60 before June 19, 2019.
- 37
38 3. Because the COVID-19 public health emergency interrupted the County’s normal
39 processes in adopting the required FIS, FIRMs, and flood area regulations, the County
40 adopted these elements as an emergency action under RCW 36.70A390 and SCC
41 30.73.090 through the adoption of Ordinance No. 20-029 on May 27, 2020.
- 42

- 1 4. This ordinance repeals Ordinance No. 20-029 and replaces the interim official controls
2 before their automatic expiration with permanent provisions following the completion of
3 the County’s normal legislative process. The proposed Code amendments included in this
4 ordinance are necessary for continued compliance with the requirements of the NFIP.
5 The regulations that accompany the updated FIS and FIRMs were developed based on the
6 requirements found both in federal regulations and state law as well as with guidance
7 provided by the Department of Ecology and FEMA.
8
- 9 5. The code amendments proposed by this ordinance will permanently adopt the updated
10 FIS and FIRMs and permanently make all required changes to County Code for
11 continued participation in the NFIP.
12

13 Section 2. The County Council makes the following conclusions.

- 14
- 15 A. The proposed amendments are consistent with the goals, policies, and objectives of the
16 GPP.
17
- 18 B. The proposed amendments are consistent with NFIP standards, Washington State Law,
19 and the SCC.
20
- 21 C. The County has complied with all SEPA requirements with respect to this non-project
22 action.
23
- 24 D. The regulations proposed by this ordinance do not result in an unconstitutional taking of
25 private property for a public purpose.
26
- 27 E. Approval of this ordinance prior to the expiration of the interim official controls adopted
28 by Ordinance No. 20-029 is necessary to ensure continued flood insurance coverage for
29 Snohomish County residents.
30

31 Section 3. The County Council bases its findings and conclusions on the entire record of
32 the County Council, including all testimony and exhibits. Any finding which should be deemed a
33 conclusion, and any conclusion that should be a finding, is hereby adopted as such.
34

35 Section 4. Ordinance No. 20-029 adopted on May 27, 2020, is repealed.
36

37 Section 5. Snohomish County Code Section 30.43C.020, last amended by Ordinance No.
38 20-029 on May 27, 2020, is amended to read:
39

40 **30.43C.020 Flood hazard permit.**
41

1 Prior to any development within a special flood hazard area as defined in SCC 30.91D.250, a
2 flood hazard permit shall be obtained. The department shall have the authority to approve,
3 approve with conditions, or deny a flood hazard permit using a Type 1 administrative decision.
4 The flood hazard permit is exempt from the notice provisions set forth in SCC 30.70.050 and
5 SCC 30.70.060(2) except that the notice shall be provided in compliance with 30.70.045(4)(d)
6 when applicable. If the permit is accompanied by a concurrent Type 2 application, the flood
7 hazard permit application may, at the applicant's request, be processed concurrently with the
8 Type 2 permit application. In order to be considered concurrent, the Type 2 application must be
9 submitted to the county at the same time as the flood hazard permit application.

10
11 Section 6. Snohomish County Code Section 30.43C.030, last amended by Ordinance No.
12 20-029 on May 27, 2020, is amended to read:

13
14 **30.43C.030 Additional submittal requirements.**

15
16 All persons applying for a flood hazard permit shall make application to and shall meet the
17 submittal requirements established by the department pursuant to SCC 30.70.030. Additional
18 submittal requirements shall include the following:

- 19
20 (1) Name of the stream or body of water associated with the floodplain in which the
21 development is proposed;
22
23 (2) General location of the proposed development, including direction and distance from the
24 nearest town or intersection;
25
26 (3) Site plan map showing:
27
28 (a) Site boundaries;
29
30 (b) Location and dimensions of the proposed development or structure;
31
32 (c) Location and volume of any proposed fill material; and
33
34 (d) Location of existing structures;
35
36 (4) Topographic, engineering, and construction information necessary to evaluate the proposed
37 project that may be requested by the department through the preapplication process or during the
38 initial review for completeness of the application; ~~((and))~~
39
40 (5) Additional information when required pursuant to chapter 30.65 SCC((-));
41

1 (6) If a project proposes to alter or relocate a riverine watercourse, the flood hazard permit
2 application shall include a description of the extent to which the riverine watercourse will be
3 altered or relocated;

4
5 (7) If a project will alter the base flood elevation or the boundaries of the special flood hazard
6 area the flood hazard permit application shall include:

7
8 (a) Engineering documentation and analysis developed by a registered qualified
9 professional engineer regarding the proposed change; and

10
11 (b) If required by the Federal Emergency Management Agency, a letter of map change
12 from that agency. If a letter of map change is required, the applicant must receive
13 approval of a conditional letter of map revision from the Federal Emergency
14 Management Agency before the flood hazard permit may be approved. The application
15 for the flood hazard permit shall include the complete conditional letter of map revision
16 application package;

17
18 (8) Elevation and floodproofing certification under SCC 30.65.130 and SCC 30.65.140;

19
20 (9) If a project is proposed in a V, V1-30, or VE zone, a design certificate as described in SCC
21 30.65.295(1)(c); and

22
23 (10) If a project is proposed in the floodway, certification by a registered professional engineer
24 as described in SCC 30.65.230(1)(b) confirming that the proposal will not result in any increase
25 in flood levels during the occurrence of the base flood discharge.

26
27 Section 7. A new section is added to Snohomish County Code Chapter 30.43C to read:

28
29 **30.43C.220 Enforcement.**

30
31 The provisions of this chapter shall be enforced under chapter 30.85 SCC.

32
33 Section 8. Snohomish County Code Section 30.65.040, last amended by Ordinance No.
34 20-029 on May 7, 2020, is amended to read:

35
36
37 **30.65.040 Special flood hazard areas established.**

38
39 (1) The special flood hazard areas (~~designated by the federal emergency management agency~~)
40 identified by the Federal Insurance Administrator in a scientific and engineering report entitled
41 "the (~~flood insurance study~~) Flood Insurance Study (FIS) for (~~unincorporated~~) Snohomish
42 County, Washington, and Incorporated Areas," dated June 19, 2020, (~~September 16, 2005,~~

1 ~~and)) with ((the flood insurance rate maps (FIRMS)* for Snohomish County, Washington and~~
2 ~~incorporated areas revised September 16, 2005, or as amended* and issued by FEMA on paper~~
3 ~~or digital format, together with the corresponding U.S. army corps of engineers river study~~
4 ~~maps,)) accompanying Flood Insurance Rate Maps (FIRMs) dated June 19, 2020, are adopted~~
5 ~~herein by reference and declared to be a part of this chapter and are hereby established as special~~
6 ~~flood hazard areas for the purposes of this chapter. The FIS and FIRMs are on file at 3000~~
7 ~~Rockefeller Avenue, Everett, Washington 98201.~~

8
9 (2) When base flood elevation for A and V zones has not been provided under SCC
10 30.65.040(1), the best available information for flood hazard area identification described in
11 SCC 30.65.075(3) shall be the basis for regulation in those zones.

12
13 Section 9. A new section is added to Snohomish County Code Chapter 30.65 to read:

14
15 **30.65.060 Existing easements, covenants, and deed restrictions.**

16
17 This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or
18 deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed
19 restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

20
21 Section 10. A new section is added to Snohomish County Code Chapter 30.65 to read:

22
23 **30.65.070 Designation of the floodplain administrator.**

24
25 The director is designated the floodplain administrator and shall administer, implement, and
26 enforce chapter 30.65 SCC by granting or denying flood hazard permits under chapter 30.43C
27 SCC consistent with applicable regulations. The floodplain administrator may delegate authority
28 to implement chapters 30.43C and 30.65 SCC.

29
30 Section 11. A new section is added to Snohomish County Code Chapter 30.65 to read:

31
32 **30.65.075 Duties and responsibilities of the floodplain administrator.**

33
34 The duties of the floodplain administrator shall include:

35
36 (1) Review all permits for development regulated by this chapter to determine that:

37
38 (a) The requirements of chapter 30.43C and 30.65 SCC have been satisfied;

39
40 (b) All other required state and federal permits have been obtained;

1 (c) The proposed development is not located in the floodway. If the development is
2 located in the floodway, assure the provisions of SCC 30.65.230(1)(b) are met; and
3

4 (d) The proposed development is reasonably safe from flooding.
5

6 (2) Notify FEMA when annexations occur in the special flood hazard area.
7

8 (3) When base flood elevation has not been provided in A or V Zones under SCC 30.65.040, the
9 floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and
10 floodway data available from a federal, state, or other source to administer SCC 30.65.120, SCC
11 30.65.220, and SCC 30.65.230.
12

13 (4) Obtain and maintain the following information:
14

15 (a) Where base flood elevation is provided through the FIS, FIRM, or based on
16 information obtained under SCC 30.65.075(3), obtain and record the actual (as-built)
17 elevation (in relation to mean sea level) of the lowest floor (including basement) of all
18 new or substantially-improved structures, and whether the structure contains a basement.
19

20 (b) In V and VE zones, documentation of the bottom of the lowest horizontal structural
21 member.
22

23 (c) For all new or substantially-improved floodproofed nonresidential structures where
24 base flood elevation data is provided through the FIS, FIRM, or based on information
25 obtained under SCC 30.65.075(3):
26

27 (i) Obtain and record the elevation (in relation to mean sea level) to which the
28 structure was floodproofed; and
29

30 (ii) Maintain the floodproofing certifications required in SCC 30.65.130.
31

32 (d) Certifications required by SCC 30.65.230(1)(b).
33

34 (e) Records of all decisions regarding flood hazard area variances under chapter 30.43D
35 SCC.
36

37 (f) Improvement and damage calculations for residential and nonresidential structures
38 located in the special flood hazard area.
39

40 (g) Maintain for public inspection all records pertaining to the provisions of chapter
41 30.43C and this chapter which include:
42

- 1 (i) floodproofing certificates;
2
3 (ii) information on the elevation of the lowest floor for all new or substantially
4 improved structures;
5
6 (iii) whether new or substantially improved structures contain a basement; and
7
8 (iv) whether new or substantially improved structures are floodproofed and the
9 elevation to which they are floodproofed.

10
11 (5) Whenever a riverine watercourse is to be altered or relocated:

12
13 (a) Notify adjacent communities and the Department of Ecology prior to such alteration
14 or relocation of a riverine watercourse, and submit evidence of such notification to the
15 Federal Insurance Administrator; and

16
17 (b) Assure that the flood carrying capacity of the altered or relocated portion of said
18 riverine watercourse is maintained.

19
20 Section 12. Snohomish County Code Section 30.65.100, last amended by Ordinance No.
21 20-029 on May 27, 2020, is amended to read:

22
23 **30.65.100 Floodproofing: use of available data.**

24
25 (1) In all special flood hazard areas where base flood elevation data has been provided in
26 accordance with SCC 30.65.040, or where the county can reasonably utilize base flood elevation
27 data available from federal, state or other sources, the specific flood hazard protection standards
28 of SCC 30.65.120 and SCC 30.65.230 shall be required.

29
30 (2) In all special flood hazard areas where base flood elevation data has not been provided, the
31 County shall review all development proposals in accordance with SCC 30.65.110 general
32 standards and SCC 30.65.120 specific standards and shall require compliance with the standards
33 of said sections as necessary to assure that development will be reasonably safe from flooding.
34 The test of reasonableness shall include use of historic data, high water marks, photographs of
35 past flooding, etc., where available. New construction and substantial improvement of any
36 residential or nonresidential structure in an Unnumbered A zone for which a base flood elevation
37 is not available shall have the lowest floor, including basement, elevated a minimum of two feet
38 above the highest adjacent grade.

39
40 (3) ~~((When))~~ In areas where base flood elevation data has been provided, when a regulatory
41 floodway ~~((for a stream))~~ has not been designated, ~~((the county may require that applicants for))~~
42 no new construction ((and)) substantial improvements, or other development (including fill)

1 shall be permitted within AE zoned areas on the applicable FIRM, unless the applicant
2 demonstrates that the cumulative effect of the proposed development, when combined with all
3 other existing and anticipated development, will not increase the water surface elevation of the
4 base flood more than one foot at any point within the jurisdiction of the county ~~((reasonably~~
5 ~~utilize the best available information from a federal, state, or other source to consider the~~
6 ~~cumulative effect of existing, proposed, and anticipated future development and determine that~~
7 ~~the increase in the water surface elevation of the base flood will not be more than one foot at any~~
8 ~~point in the community. Building and development near streams without a designated floodway~~
9 ~~shall comply with the requirements of 44 CFR 60.3(b)(3) and (4) and (C)(10) of the National~~
10 ~~Flood Insurance Program regulations)).~~

11
12 Section 13. Snohomish County Code Section 30.65.110, last amended by Ordinance No.
13 20-029 on May 27 2020, is amended to read:

14
15 **30.65.110 Floodproofing: general standards.**

16
17 The following regulations shall apply in all special flood hazard areas.

18
19 (1) Anchoring ~~((and construction techniques)).~~

20
21 (a) All new construction and substantial improvements, including those related to mobile
22 homes, shall be anchored to prevent flotation, collapse or lateral movement of the
23 structure resulting from hydrodynamic and hydrostatic loads, including the effects of
24 buoyancy.~~((:))~~

25
26 ~~((i) anchored to prevent flotation, collapse or lateral movement of the structure;~~

27
28 ~~(ii) constructed using materials and utility equipment resistant to flood damage;~~
29 ~~and~~

30
31 ~~(iii) constructed using methods and practices that minimize flood damage.))~~

32
33 (b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement.
34 ~~((Minimum anchoring requirements shall be those established by chapter 30.54A SCC.))~~
35 Anchoring methods may include use of over-the-top or frame ties to ground anchors.

36
37 (2) Construction materials and methods.

38
39 (a) All new construction and substantial improvements shall use materials and utility
40 equipment resistant to flood damage;

1 (b) All new construction and substantial improvements shall use methods and practices
2 that minimize flood damage; and

3
4 (c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other
5 service facilities shall be designed and elevated or located so as to prevent water from
6 entering or accumulating within the components during conditions of flooding.

7
8 (3) Utilities.

9
10 (a) All new and replacement water supply systems shall be designed to minimize or
11 eliminate infiltration of flood waters into the system;

12
13 (b) Except as otherwise provided in this subsection, water wells are prohibited in the
14 floodway and shall be located where not subject to ponding. However, on land
15 designated riverway commercial farmland, upland commercial farmland, or local
16 commercial farmland, a new or replacement water well may be located in the floodway to
17 serve a farmhouse if designed to eliminate or minimize infiltration of flood waters into
18 the system as required by RCW 86.16.041(3)(g) and SCC 30.65.220(7)(e).

19
20 (c) New and replacement sanitary sewage systems shall be designed to minimize or
21 eliminate infiltration of flood waters into the systems and discharge from the systems into
22 flood waters; and

23
24 ~~((e))~~ (d) On-site waste disposal systems shall be located to avoid impairment to them or
25 contamination from them during flooding.

26
27 (4) Enclosed area below the lowest floor. If structures or mobile homes are constructed or
28 substantially improved with fully enclosed areas below the lowest floor, the areas shall be used
29 solely for parking of vehicles, building access, or storage.

30
31
32 ~~((3))~~ (5) *Subdivision proposals.* All subdivision, short subdivision, binding site plan, planned
33 residential development, or rural cluster subdivision proposals shall:

34 (a) Be consistent with the need to minimize flood damage;

35
36 (b) Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and
37 water systems located and constructed to minimize flood damage or eliminate flood
38 damage;

39
40
41 (c) Have adequate drainage provided to reduce exposure to flood damage; and
42

1 (d) Include the base flood elevation data.

2
3 ~~((4))~~ (6) *Watercourse alterations*. The flood carrying capacity within altered or relocated
4 portions of any watercourse shall be maintained. Prior to the approval of any alteration or
5 relocation of a watercourse in riverine situations, the department shall notify adjacent
6 communities and the State Department of Ecology and submit evidence of such notification to
7 FEMA of the proposed development.

8
9 Section 14. Snohomish County Code Section 30.65.120, last amended by Ordinance No.
10 20-029 on May 27, 2020, is amended to read:

11
12 **30.65.120 Floodproofing: specific standards.**

13
14 In all special flood hazard areas where base elevation data has been provided as set forth in SCC
15 30.65.100, the following regulations shall apply, in addition to the general regulations of SCC
16 30.65.110:

17
18 (1) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other
19 service facilities that are permanently affixed to a structure and which may be subject to
20 floodwater damage shall be elevated a minimum of one foot above the base flood elevation or
21 higher (unless within an approved watertight structure).

22
23 (2) Residential construction.

24
25 (a) ~~((New))~~ In AE and A1-30 zones or other A zoned areas, where the base flood
26 elevation has been determined, new construction and substantial improvement of any
27 residential structure shall have the lowest floor, including basement, elevated a minimum
28 of one foot above the base flood elevation. ~~((except as provided in subsection (e) for~~
29 ~~residential accessory structures)) Mechanical equipment and utilities shall be waterproof~~
30 or elevated at least one foot above base flood elevation.

31
32 (b) New construction and substantial improvement of any residential structure in an AO
33 zone shall meet the requirements in SCC 30.65.290.

34
35 (c) New construction and substantial improvement of any residential structure in a V, V1-
36 30, or VE zone shall meet the requirements in SCC 30.65.295.

37
38 (d) Fully enclosed areas below the lowest floor that are subject to flooding are
39 prohibited, or shall be designed to automatically equalize hydrostatic flood forces on
40 exterior walls by allowing for the entry and exit of floodwaters ~~((except as provided in~~
41 subsection (e) for residential accessory structures)). Designs for meeting this requirement

1 must either be certified by a registered professional engineer or architect or must meet or
2 exceed the following minimum criteria:

3
4 (i) a minimum of two openings having a total net area of not less than one square
5 inch for every square foot of enclosed area subject to flooding shall be provided;

6
7 (ii) the bottom of all openings shall be no higher than one foot above the interior
8 and exterior lowest grades;

9
10 (iii) openings may be equipped with screens, louvers, or other coverings or
11 devices only if they permit the automatic entry and exit of floodwaters((-)); and

12
13 (iv) a garage attached to a residential structure, that is constructed with the garage
14 floor slab below the base flood elevation, shall be designed to allow the automatic
15 entry and exit of floodwaters.

16
17 ~~((c) New construction and substantial improvement of a residential accessory structure,~~
18 ~~including but not limited to storage buildings, detached garages, sheds, and small pole~~
19 ~~buildings, together with attendant utility and sanitary facilities may as an alternative to~~
20 ~~the provisions of SCC 30.65.120(1) and (2), be wet floodproofed in accordance with the~~
21 ~~following:~~

22
23 ~~(i) The structure must have a low potential for structural flood damage and shall~~
24 ~~not exceed a maximum assessed value for the cost of construction of \$25,000.~~
25 ~~The market value of construction shall be determined by the department in~~
26 ~~accordance with the valuation procedure utilized in conjunction with the setting of~~
27 ~~building permit fees;~~

28
29 ~~(ii) Be designed and oriented to allow the free passage of floodwaters through the~~
30 ~~structure in a manner affording minimum flood damage;~~

31
32 ~~(iii) Not be used for human habitation;~~

33
34 ~~(iv) Include adequate hydrostatic flood openings;~~

35
36 ~~(v) Use flood resistant materials below the base flood elevation;~~

37
38 ~~(vi) Must offer minimum resistance to the flow of floodwater (must not be in the~~
39 ~~floodway);~~

40
41 ~~(vii) Must be anchored to prevent flotation, collapse or lateral movement; and~~
42

1 (viii) ~~Must have elevated all electrical, plumbing and heating equipment one foot~~
2 ~~above the base flood elevation.~~

3
4 ~~(d) Wet floodproofing will trigger higher flood insurance premiums.)~~

5
6 (3) *Nonresidential construction.* New construction and substantial ~~((improvement of any~~
7 ~~commercial, industrial or other nonresidential structure shall either have the lowest floor,~~
8 ~~including basement, elevated a minimum of one foot above the base flood elevation; or, together~~
9 ~~with attendant utility and sanitary facilities, shall))~~ improvements of nonresidential structures
10 shall comply with either SCC 30.65.120(3)(a) or (b):

11
12 (a) Be elevated consistent with the following standards:

13
14 (i) In AE or unnumbered A zoned areas where the base flood elevation has been
15 determined, structures shall have the lowest floor, including basement, elevated
16 one foot or more above the base flood elevation, or elevated as required by ASCE
17 24, whichever is greater. Mechanical equipment and utilities shall be
18 waterproofed or elevated at least one foot above the base flood elevation, or as
19 required by ASCE 24, whichever is greater.

20
21 (ii) In AO zones, structures shall meet the requirements of SCC 30.65.290.

22
23 (iii) In V or VE zones, structures shall meet the requirements of SCC 30.65.295.

24
25 (iv) Fully enclosed areas below the lowest floor that are subject to flooding are
26 prohibited unless they are designed to automatically equalize hydrostatic flood
27 forces on exterior walls by allowing for the entry and exit of floodwaters and they
28 comply with SCC 30.65.110(4). Designs for meeting this requirement must either
29 be certified by a registered professional engineer or architect or must meet or
30 exceed the following minimum criteria:

31
32 (A) a minimum of two openings with a total net area of not less than one
33 square inch for every square foot of enclosed area subject to flooding;

34
35 (B) the bottom of all openings shall be no higher than one foot above
36 grade; and

37
38 (C) openings may be equipped with screens, louvers, valves, or other
39 coverings or devices provided that they permit the automatic entry and
40 exit of floodwaters.

1 (b) Be dry floodproofed so that below one foot or more above the base flood elevation
2 the structure is watertight with walls substantially impermeable to the passage of water or
3 dry floodproofed to the elevation required by ASCE 24, whichever is greater. The
4 following standards also apply:

5
6 (i) Structural components shall be capable of resisting hydrostatic and
7 hydrodynamic loads and effects of buoyancy; and

8
9 (ii) The structure shall be certified by a registered professional engineer or
10 architect that the design and methods of construction meet accepted standards of
11 practice and satisfy the provisions of SCC 30.65.120(3)(b) based on their
12 development or review of the structural design, specifications, and plans. The
13 certifications shall be provided to the floodplain administrator pursuant to SCC
14 30.65.130.

15
16 ~~((a) Be floodproofed so that any portion of a structure below a minimum of one foot~~
17 ~~elevation above base flood level is watertight with walls substantially impermeable to the~~
18 ~~passage of water;~~

19
20 ~~(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads~~
21 ~~and effects of buoyancy; and~~

22
23 ~~(c) Must also comply with SCC 30.65.120(2)(b).))~~

24
25 ~~((4) Agricultural construction. New construction and substantial improvement of any~~
26 ~~agricultural structure except farmhouses and farmhouse mobile homes which are regulated by~~
27 ~~SCC 30.65.120(2) above shall have the lowest floor, including basement, elevated a minimum of~~
28 ~~one foot above the base flood elevation; and meet the floodproofing requirements of SCC~~
29 ~~30.65.120(3). In the alternative, new construction and substantial improvement of any~~
30 ~~agricultural structure shall, together with attendant utility and sanitary facilities:~~

31
32 ~~(a) Have a low potential for structural flood damage; and shall not exceed a maximum~~
33 ~~assessed value for the cost of construction of \$65,000. The market value of construction~~
34 ~~shall be determined by the department in accordance with the valuation procedure~~
35 ~~utilized in conjunction with the setting of building permit fees; and~~

36
37 ~~(b) Be designed and oriented to allow the free passage of floodwaters through the~~
38 ~~structure in a manner affording minimum flood damage;~~

39
40 ~~(c) Not be used for human habitation;~~

41
42 ~~(d) Include adequate hydrostatic flood openings;~~

1
2 ~~(e) Use flood resistant materials below the base flood elevations;~~

3
4 ~~(f) Must offer minimum resistance to the flow of floodwater (i.e. must not be in the~~
5 ~~floodway);~~

6
7 ~~(g) Must be anchored to prevent flotation, collapse or lateral movement;~~

8
9 ~~(h) Must have elevated all electrical, plumbing and heating equipment one foot above the~~
10 ~~base flood elevations; and~~

11
12 ~~(i) Be subject to higher flood insurance premiums associated with wet floodproofing.))~~

13
14 ~~((5))~~ (4) Mobile homes.

15
16 (a) ~~((Installation of mobile homes and substantial improvements to mobile homes))~~ All
17 mobile homes that are placed or substantially improved in special flood hazard areas shall
18 be elevated on a permanent foundation and shall be securely anchored to an adequately
19 anchored foundation system in accordance with SCC 30.65.110(1)(b) to resist flotation,
20 collapse and lateral movement, and shall have the lowest floor elevated a minimum of
21 one foot above the base flood elevation.

22
23 ~~((6))~~ (5) Critical facilities as defined in SCC 30.91C.360 shall have the lowest floor elevated to
24 three feet or more above the level of the base flood elevation at the site. Floodproofing and
25 sealing measures must be taken to ensure that toxic substances will not be displaced by or
26 released into flood waters. Access routes elevated to or above the level of the base flood plain
27 shall be provided to all critical facilities to the extent possible.

28
29 ~~((7))~~ (6) Recreational vehicles, when otherwise permitted by county code, shall

30
31 (a) Be on the site for fewer than 180 consecutive days; and

32
33 (b) Be fully licensed and ready for highway use, on ~~((its))~~ wheels or jacking system,
34 attached to the site only by quick disconnect type utilities and security devices, and have
35 no permanently attached additions; and

36
37 (c) Be limited in the floodways to day use only (dawn to dusk) during the flood season
38 (October 1 through March 30) with the following exceptions:

39
40 (i) Recreational vehicle use associated with a legally occupied dwelling to
41 accommodate overnight guests for no more than a 21-day period;

1 (ii) Temporary overnight use by farm workers on the farm where they are
2 employed subject to SCC 30.22.130(19)(a) and (b) above; and
3

4 (iii) Subject to SCC 30.22.120(7)(a) and (b), temporary overnight use in a mobile
5 home park which has been in existence continuously since 1970 or before, that
6 provides septic or sewer service, water and other utilities, and that has an RV
7 flood evacuation plan that has been approved and is on file with the Department
8 of Emergency Management and Department of Planning and Development
9 Services.

10
11 ~~((8))~~ (7) When fill is permitted to be used as an elevation/floodproofing technique, it shall be
12 designed and installed so that it is properly compacted, sloped and armored to resist potential
13 flood velocities, scouring and erosion during flooding.
14

15 ~~((9))~~ (8) Flood hazard permits issued for wet floodproofing of any structure or for elevated
16 structures having enclosures below the elevated structure that are wet floodproofed shall be
17 subject to a standard permit condition prohibiting human habitation. The conditions shall be
18 recorded on title on a form approved by the department.
19

20 Section 15. Snohomish County Code Section 30.65.125, last amended by Ordinance No.
21 20-020 on May 27, 2020, is amended to read:
22

23 **30.65.125 General standards for all crawlspace construction.**
24

25 (1) Crawlspace may be used to elevate a building in a special flood hazard area to or above the
26 ~~((base flood elevation))~~ standards specified in SCC 30.65.120 if the space is designed to meet the
27 following National Flood Insurance Program requirements, which apply to all crawlspaces that
28 have enclosed areas or floors below the base flood elevation:
29

30 (a) The building must be designed and adequately anchored to resist flotation, collapse,
31 and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads,
32 including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can
33 usually be addressed through the required openings discussed in ~~((SCC 30.65.125(b)~~
34 ~~below))~~ subsection (1)(b) of this section. Crawlspace construction is not recommended in
35 areas where flood velocities exceed five feet per second, unless the design is reviewed
36 and certified by a registered architect or professional engineer.
37

38 (b) The crawlspace is an enclosed area below the base flood elevation and, as such, must
39 have openings that equalize hydrostatic pressures by allowing for the automatic entry and
40 exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot
41 above the lowest adjacent interior and exterior grade. Crawlspace construction is not

1 permitted in FEMA coastal high hazard area designated V zones. Open pile or column
2 foundations that withstand storm surge and wave forces are required in V zones.

3
4 (c) Portions of the building below the base flood elevation must be constructed with
5 materials resistant to flood damage. This includes not only the foundation walls of the
6 crawlspace used to elevate the building, but also any joists, insulation, or other materials
7 that extend below the base flood elevations. The recommended construction practice is to
8 elevate the bottom of joists and all insulation above base flood elevation. Insulation is not
9 a flood-resistant material. When insulation becomes saturated with floodwater, the
10 additional weight often pulls it away from the joists and flooring. Ductwork or other
11 utility systems located below the insulation may also pull away from their supports.

12
13 (d) Any building utility systems including ductwork within the crawlspace must be
14 elevated above base flood elevation or designed so that floodwaters cannot enter or
15 accumulate within the system components during flood conditions. Ductwork must either
16 be placed one foot above the base flood elevation or sealed from floodwaters.

17
18 Section 16. Snohomish County Code Section 30.65.130, last amended by Ordinance No.
19 20-029 on May 27, 2020, is amended to read:

20
21 **30.65.130 Elevation and floodproofing certification.**

22
23 Certification shall be provided to verify that the minimum floodproofing and elevation standards
24 of SCC 30.65.110 and 30.65.120 flood hazard protection standards have been satisfied.
25 Certification shall be required only for the new construction or substantial improvement of any
26 residential, commercial, industrial or non-residential structure located in a special flood hazard
27 area(~~(, except that agricultural structures constructed in accordance with the wet floodproofing~~
28 ~~standards of SCC 30.65.120 (4) (a), (b) and (c) shall not require certification)).~~ A completed
29 current FEMA elevation certificate (~~(form 81-31)~~) shall be required in accordance with National
30 Flood Insurance Program regulations and standards.

31
32 Section 17. Snohomish County Code Section 30.65.140, last amended by Ordinance
33 No. 20-020 on May 27, 2020, is amended to read:

34
35 **30.65.140 Certification form.**

36
37 The form of the elevation and floodproofing certificate shall be specified by the department and
38 shall be (~~(generally)~~) consistent with that required by FEMA for the administration of the
39 national flood insurance program.

40
41 Section 18. A new section is added to Snohomish County Code Chapter 30.65 to read:
42

1 **30.65.170 Livestock flood sanctuaries.**

2
3 Elevated areas for the purpose of creating a flood sanctuary for livestock in special flood hazard
4 areas are allowed on farms consistent with the following standards:

5
6 (1) The applicant must clearly demonstrate that a livestock flood sanctuary is necessary to
7 support the viability of the applicant’s livestock operation;

8
9 (2) The maximum size of the livestock flood sanctuary shall not exceed 50 square feet per animal
10 unit (1,000 lbs) plus the area created by adding a ramp 14 feet wide along two sides to be used
11 for farm vehicle access. An additional area no greater than 25 percent of the calculated area will
12 be allowed to accommodate future herd growth;

13
14 (3) Livestock flood sanctuaries shall be oriented to the flow and be constructed in a manner that
15 does not impact flood elevations, impede flow, or cause significant adverse effects upstream or
16 downstream;

17
18 (4) Structures are prohibited on livestock flood sanctuaries;

19
20 (5) Livestock flood sanctuaries shall be elevated to at least one foot above base flood elevation;
21 and

22
23 (6) Livestock flood sanctuaries shall comply with all other applicable provisions in title 30 SCC.

24
25 Section 19. Snohomish County Code Section 30.65.220, last amended by Ordinance No.
26 20-029 on May 27, 2020, is amended to read:

27
28 **30.65.220 Floodways: permitted uses.**

29
30 The following uses are allowed in the floodway when permitted by the applicable zone (~~in~~
31 ~~accordance with~~) under chapter 30.22 SCC, provided the use is in compliance with the
32 applicable general and specific floodproofing standards of SCC 30.65.110 and 30.65.120, and
33 other applicable provisions of this chapter (~~and will have a negligible effect upon the floodway~~
34 ~~in accordance with the floodway encroachment provisions of SCC 30.65.230(1))):~~

35
36 (1) Agriculture;

37
38 (2) Forestry, including processing of forest products with portable equipment;

39
40 (3) Preserves and reservations;

41
42 (4) Park and recreational activities;

1
2 (5) Removal of rock, sand and gravel, when the applicant can provide clear and convincing
3 evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or
4 amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream
5 flood hazard areas, or in any other way threaten public or private properties. When allowed, such
6 removal shall comply with the provisions of chapter 30.31D SCC and the county shoreline
7 management program;

8
9 (6) Utility transmission lines when allowed in underlying zones unless otherwise prohibited by
10 this chapter. When the primary purpose of such a transmission line is to transfer bulk products or
11 energy through a floodway en route to another destination, as opposed to serving customers
12 within a floodway, such transmission lines shall conform to the following:

13
14 (a) All utility transmission lines shall cross floodways by the most direct route feasible
15 as opposed to paralleling floodways;

16
17 (b) Electric transmission lines shall span the floodway with support towers located in
18 flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive
19 width, support towers shall be located to avoid high flood water velocity and/or depth
20 areas, and shall be adequately floodproofed;

21
22 (c) Buried utility transmission lines transporting hazardous materials, including but not
23 limited to crude and refined petroleum products and natural gas, shall be buried a
24 minimum of four feet below the maximum established scour of the waterway, as
25 calculated on the basis of hydrologic analyses. Such burial depth shall be maintained
26 horizontally within the hydraulic floodway to the maximum extent of potential channel
27 migration as determined by hydrologic analyses. In the event potential channel migration
28 extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and
29 special flood hazard areas shall also govern placement. All hydrologic analyses are
30 subject to acceptance by the county, shall assume the conditions of a 100-year frequency
31 flood as verified by the U.S. Army Corps of Engineers, and shall include on-site
32 investigations and consideration of historical meander characteristics in addition to other
33 pertinent facts and data. The use of riprap as a meander containment mechanism within
34 the hydraulic floodway shall be consistent with the county shoreline management
35 program;

36
37 (d) Buried utility transmission lines transporting non-hazardous materials including
38 water and sewage shall be buried a minimum of four feet below the maximum established
39 scour of the waterway as calculated on the basis of hydrologic analyses. Such burial
40 depth shall be maintained horizontally within the hydraulic floodway to the maximum
41 extent of potential channel migration as determined by hydrologic analyses. All
42 hydrologic analyses shall conform to requirements in SCC 30.65.220(6)(c). The use of

1 riprap as a meander containment mechanism within the hydraulic floodway shall be
2 consistent with the county shoreline management program;

3
4 (e) Beyond the maximum extent of potential channel migration, utility transmission lines
5 transporting hazardous and non-hazardous materials shall be buried below existing
6 natural and artificial drainage features. Burial depth in all agricultural areas requiring or
7 potentially requiring subsurface drainage shall be a minimum of six feet as measured
8 from ground surface to the top of the transmission line, or at other such depth as deemed
9 necessary by on-site investigations performed by a qualified soils expert familiar with
10 county soils. Burial depth in all other agricultural and non-agricultural floodway areas
11 shall be determined on the basis of accepted engineering practice and in consideration of
12 soil conditions and the need to avoid conflict with agricultural tillage;

13
14 (f) All buried utility transmission lines shall achieve sufficient negative buoyancy so that
15 any potential for flotation or upward migration is eliminated;

16
17 (g) Above ground utility transmission lines, not including electric transmission lines,
18 shall only be allowed for the transportation of non-hazardous materials where an existing
19 or new bridge or other structure is available and capable of supporting the line. When
20 located on existing or new bridges or other structures with elevations below the level of
21 the 100-year flood, the transmission line shall be placed on the down-stream side and
22 protected from flood debris. In such instances, site specific conditions and flood damage
23 potential shall dictate placement, design and protection throughout the floodway.
24 Applicants must demonstrate that such above ground lines will have no appreciable effect
25 upon flood depth, velocity or passage, and shall be adequately protected from flood
26 damage. If the transmission line is to be buried except at the waterway crossing, burial
27 specifications shall be determined as in SCC 30.65.220(6)(d)((-)) ;

28
29 (h) All floodway crossings by utility transmission lines transporting hazardous materials
30 shall be equipped with valves capable of blocking flow within the pipeline in the event of
31 leakage or rupture. All floodway crossings shall have valves unless otherwise indicated
32 by standard engineering review of the site and type of transmission line as acceptable to
33 the county with locations determined by other provisions of this chapter;

34
35 (i) Above ground utility transmission line appurtenant structures including valves,
36 pumping stations, or other control facilities shall not be permitted in the floodway; and

37
38 (j) Where a floodway has not been determined by preliminary Corps of Engineers'
39 investigations or official designation, a floodway shall be defined by qualified
40 engineering work by the applicant on the basis of a verified 100-year flood event((;)) ;
41

1 (7) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures
2 which are located on lands designated as agricultural lands of long-term commercial significance
3 under RCW 36.70A.170, subject to the following:
4

5 (a) The new farmhouse is a replacement for an existing farmhouse on the same farm site;
6

7 (b) There is no potential building site for a replacement farmhouse on the same farm
8 outside the designated floodway;
9

10 (c) The farmhouse being replaced shall be removed, in its entirety, including foundation,
11 from the floodway within 90 days after occupancy of the new farmhouse;
12

13 (d) For substantial improvements, and replacement farmhouses, the elevation of the
14 lowest floor of the improvement and farmhouse respectively, including basement, is one
15 foot higher than the base flood elevation;
16

17 (e) New and replacement water supply systems, are designed to eliminate or minimize
18 infiltration of flood waters into the system;
19

20 (f) New and replacement sanitary sewerage systems are designed and located to
21 eliminate or minimize infiltration of flood waters into the system and discharge from the
22 system into the flood waters;
23

24 (g) All other utilities and connections to public utilities are designed, constructed, and
25 located to eliminate or minimize flood damage;
26

27 (h) The replacement farmhouse shall not exceed the total square footage of
28 encroachment of the structure which it is replacing; ~~(-)~~ and
29

30 (i) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total
31 square footage of encroachment of the existing farmhouse.
32

33 (8) Repairs, replacement, or relocation of substantially damaged residences in the floodway,
34 other than farmhouses, are subject to the following:
35

36 (a) When residences other than farmhouses are substantially damaged in the floodway,
37 the floodplain administrator may make a written request to the Department of Ecology
38 under RCW 86.16.041(4) to assess the risk of harm to life and property posed by the
39 specific conditions of the floodway. Based on analysis of depth, velocity, flood-related
40 erosion, channel migration, debris load potential, and flood warning capability, the
41 Department of Ecology may exercise best professional judgment in recommending to the
42 floodplain administrator authority to permit repair, replacement, or relocation of the

1 substantially damaged structure. The property owner shall submit any information
2 necessary to complete the assessment to the county and the Department of Ecology.
3 Without a favorable recommendation from the Department of Ecology for the repair or
4 replacement of a substantially damaged residential structure located in the regulatory
5 floodway, no repair or replacement is allowed under WAC 173-158-076(1).
6

7 (b) Before the repair, replacement, or relocation is started, all applicable requirements of
8 the National Flood Insurance Program, chapter 86.16 RCW, chapter 30.43C SCC, and
9 this chapter must be satisfied. In addition, the following conditions must be met:

10
11 (i) There is no potential building location for the replacement residential structure
12 on the same property outside the regulatory floodway;

13
14 (ii) The replacement residential structure is equivalent in use and size to the
15 substantially damaged residential structure;

16
17 (iii) The structure being repaired, replaced, or reconstructed was legally
18 constructed;

19
20 (iv) Repairs, reconstruction, or replacement do not result in an increase of the
21 total square footage of floodway encroachment;

22
23 (v) The elevation of the lowest floor of the substantially damaged or replacement
24 residential structure is a minimum of one foot higher than the base flood
25 elevation;

26
27 (vi) New and replacement water supply systems are designed to eliminate or
28 minimize infiltration of floodwater into the system;

29
30 (vii) New and replacement sanitary sewerage systems are designed and located to
31 eliminate or minimize infiltration of floodwater into the system and discharge
32 from the system into the floodwaters; and

33
34 (viii) All other utilities and connections to public utilities are elevated a minimum
35 of one foot above the base flood elevation and are designed, constructed, and
36 located to eliminate or minimize flood damage.

37
38 ~~((Replacement of single family dwellings, other than farmhouse replacement pursuant to SCC~~
39 ~~30.65.220(7), when the flood depth, flood velocity, and flood related erosion of the site is~~
40 ~~evaluated in order to identify a building location that offers the least risk of harm to life and~~
41 ~~property. A suitable building location for a replacement structure shall be approved for structures~~
42 ~~damaged by flooding or flood related erosion only when the following are met:~~

1
2 (a) ~~The State Department of Ecology, pursuant to RCW 86.16.041(4) and (5), assesses~~
3 ~~the risk of harm to life and property posed by the specific conditions of the floodway at~~
4 ~~any proposed building site, and based upon scientific analysis of depth, velocity, and~~
5 ~~flood-related erosion recommends to the county that a waiver to the floodway prohibition~~
6 ~~of RCW 86.16.041(2)(a) for repair, replacement or relocation of such structures is~~
7 ~~authorized for a specific building location.~~

8
9 (b) ~~Repair, replacement or relocation of such structures is permitted only when~~
10 ~~authorization required pursuant to 30.65.220(8)(a) is given in writing by the state~~
11 ~~department of ecology pursuant to RCW 86.16.041(4) and (5).)~~

12
13 (9) ~~((Repair, reconstruction, or improvement of residential structures, where repair,~~
14 ~~reconstruction, or improvement of a structure does not increase the ground floor area, and is not~~
15 ~~a substantial improvement.))~~

16
17 ~~((10))~~ Water-dependent utilities and other installations which by their very nature must be in
18 the floodway. Examples of such uses are: Dams for domestic/industrial water supply, flood
19 control and/or hydroelectric production; water diversion structures and facilities for water
20 supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and
21 facilities; hydroelectric generating facilities and appurtenant structures; structural and
22 nonstructural flood damage reduction facilities, and stream bank stabilization structures and
23 practices. The applicant shall supply convincing evidence that a floodway location is necessary
24 in view of the objectives of the proposal and that the proposal is consistent with other provisions
25 of this chapter and the county shoreline management program. In all instances of locating
26 utilities and other installations in floodway locations, project design must incorporate
27 floodproofing.

28
29 ~~((11))~~ (10) Dikes, when the applicant can provide clear and convincing evidence that:

30
31 (a) Adverse effects upon adjacent properties will not result relative to increased
32 floodwater depths and velocities during the base flood or other more frequent flood
33 occurrences;

34
35 (b) Natural drainage ways are minimally affected in that their ability to adequately drain
36 floodwaters after a flooding event is not impaired; and

37
38 (c) The proposal has been coordinated through the appropriate diking district where
39 applicable, and that potential adverse effects upon other affected diking districts have
40 been documented.

41
42 ~~((12))~~ (11) Public works, limited to roads and bridges.

1
2 Section 20. Snohomish County Code Section 30.65.230, last amended by Ordinance No.
3 20-020 on May 27, 2020, is amended to read:

4
5 **30.65.230 Floodways: prohibited uses.**
6

7 (1) The following uses/development are prohibited in the floodway:

8
9 (a) Any structure, including mobile homes designed for, or to be used for, human
10 habitation of a permanent nature (including temporary dwellings authorized by SCC
11 30.22.130 except as provided by SCC 30.65.220(7)(~~;~~) and (8)(~~, and (9)~~)).

12
13 (b) All encroachments, including fill, new construction, and other development unless
14 ~~((verification))~~ certification by a registered professional engineer is provided
15 demonstrating through hydrologic and hydraulic analyses performed in accordance with
16 standard engineering practice that the ~~((effect of the subject))~~ proposed encroachment
17 ~~((together with the cumulative effects of all similar potential encroachments shall not~~
18 ~~materially cause water to be diverted from the established floodway, cause erosion,~~
19 ~~obstruct the natural flow of water, reduce the carrying capacity of the floodway, or))~~ will
20 not result in any increase in flood levels during the occurrence of the base flood
21 discharge.
22

23 (c) The construction or storage of any object subject to flotation or movement during
24 flood level periods;

25
26 (d) The following uses, due to their high degree of incompatibility with the purpose of
27 establishing and maintaining a functional floodway are specifically prohibited:

28
29 (i) ~~((the))~~ The filling of marshlands(~~;~~) ;

30
31 (ii) ~~((solid))~~ Solid waste landfills, dumps, junkyards, outdoor storage of vehicles
32 and/or materials(~~;~~) ;

33
34 (iii) ~~((damming))~~ Damming or relocation of any watercourse that will result in
35 any downstream increase in flood levels during the occurrence of the base flood
36 discharge; and

37
38 (iv) ~~((critical))~~ Critical facilities as defined in this title.
39

40 (2) The listing of prohibited uses in this section shall not be construed to alter the general rule of
41 statutory construction that any use not permitted is prohibited.
42

1 Section 21. Snohomish County Code Section 30.65.240, last amended by Ordinance No.
2 20-029 on May 27, 2020, is amended to read:

3
4 **30.65.240 Density fringe area.**

5
6 (1) SCC 30.65.240 through 30.65.285 provide specific criteria to be used in regulating
7 development in areas of high flood damage potential where conventional floodway areas cannot
8 be established. In order to foster the continued agricultural use of prime farmlands in these flood
9 plain areas, and maintain an acceptable level of flood hazard protection, the development criteria
10 outlined by this chapter shall apply to all development in the density fringe area. The
11 development criteria contained in SCC 30.65.250 and 30.65.255 shall be utilized to prevent a
12 cumulative increase in the base flood elevation of more than one foot.

13
14 (2) The density fringe area shall consist of the following:

15
16 (a) Areas designated on the ~~((Floor))~~ “Flood Insurance Study (FIS) for Snohomish County,
17 Washington and Incorporated Areas”~~((, and the Flood Insurance Rate Maps (FIRMS)* dated~~
18 ~~September 16, 2005))~~ dated June 19, 2020, and ((as amended in paper or digital format)) the
19 Flood Insurance Rate Maps (FIRMs) dated June 19, 2020.

20
21 (b) Stillaguamish River special flood hazard area ~~((100-year flood plain))~~ (1% annual-
22 chance floodplain) located between the mouth of said river and river mile 11.1; also
23 corresponding to the Corps of Engineers study E-2-10-138 as modified by Snohomish
24 County, sheets 1 through 8 or FIRMS as amended in paper or digital format by FEMA.

25
26 Section 22. Snohomish County Code Section 30.65.280, last amended by Amended
27 Ordinance No. 12-025 on June 6, 2012, is amended to read:

28
29 **30.65.280 Density fringe area: permitted uses.**

30
31 The following uses are permitted in the density fringe area:

32
33 (1) Agriculture, including:

34
35 (a) Accessory agricultural structures such as but not limited to barns, milking parlors,
36 silos, manure tanks, and loafing sheds that provide direct support for primary agricultural
37 activities including tilling of the soil, raising of crops, horticulture, viticulture, small
38 livestock, poultry, pasturing, grazing, dairying and/or animal husbandry; and

39
40 (b) Livestock protection mounds, when the mounds do not consist of solid waste as
41 defined by this title; and

- 1 (c) Manure pits and lagoons;
2
3 (2) Forestry, including processing of forest products with portable equipment;
4
5 (3) Preserves and reservations;
6
7 (4) Parks and recreational activities;
8
9 (5) Removal of rock, sand and gravel providing that the applicant can provide clear and
10 convincing evidence that such a use will not divert flood flows causing channel shift or erosion,
11 accelerate or amplify the flooding of downstream flood hazard areas, increase the flood threat to
12 upstream flood hazard areas, or in any other way threaten public or private properties. When
13 allowed, such removal shall comply with the provisions of chapter 30.31D SCC and the county
14 shoreline management program;
15
16 (6) Utility transmission lines, under the same terms and conditions of SCC 30.65.200(2);
17
18 (7) Water-dependent utilities. Examples of such uses are dams for domestic/industrial water
19 supply, flood control and/or hydroelectric production; water diversion structures and facilities for
20 water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants
21 and facilities; hydroelectric generating facilities and appurtenant structures; and structural and
22 non-structural flood damage reduction facilities, and stream bank stabilization structures and
23 practices;
24
25 (8) Improvements to existing residential structures that do not exceed the maximum allowable
26 density and obstruction requirements of SCC 30.65.250 and 30.65.255;
27
28 (9) Single family farmhouse structures including modular homes and mobile homes placed on
29 permanent concrete foundations, if the following conditions are met:
30
31 (a) The structure is constructed to building code standards and all other applicable
32 standards within chapter 30.65 SCC;
33
34 (b) The farmhouse is necessary to the operation of a commercial farm engaged in
35 agriculture;
36
37 (c) A potential building site for the farmhouse on the same farm site is not available
38 outside the density fringe area;
39
40 (d) Earthfill utilized for building foundation shall be emplaced and stabilized in a manner
41 that will prevent erosion from flood water flow;
42

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

3
4 (f) New and replacement sanitary sewerage systems are designed and located to
5 eliminate or minimize infiltration of flood waters into the system and to eliminate or
6 minimize discharge from the system into the flood waters;

7
8 (g) All other utilities and connections to public utilities are designed, constructed, and
9 located to eliminate or minimize flood damage;

10
11 (h) An egress plan for vacating the structure during the base flood occurrence shall be
12 provided;

13
14 (10) Marinas;

15
16 (11) Dikes, if the applicant can provide clear and convincing evidence that:

17
18 (a) Adverse effects upon adjacent properties will not result relative to increased
19 floodwater depths and velocities during the base flood or other more frequent flood
20 occurrences;

21
22 (b) Natural drainage ways are minimally affected in that their ability to adequately drain
23 floodwaters after a flooding event is not impaired; and

24
25 (c) The proposal has been coordinated through the appropriate diking district where
26 applicable, and that potential adverse effects upon other affected diking districts have
27 been documented;

28
29 (12) Utility facilities;

30
31 (13) Public works, limited to:

32
33 (a) Roads,

34
35 (b) Bridges,

36
37 (c) Docks, and

38
39 (d) Port facilities; ~~((and))~~

40
41 (14) In urban growth areas only, ~~((sawmill storage yards when located adjacent to existing
42 sawmill uses.))~~ those uses permitted or conditionally permitted in the underlying zones under

1 SCC 30.22.100, as long as the maximum allowable density and obstruction requirements of SCC
2 30.65.250 and 30.65.255 are not exceeded and all applicable standards and restrictions of the
3 Shoreline Management Program in chapter 30.67 SCC are met. The following uses are
4 prohibited:

5
6 (a) Those uses listed in SCC 30.65.285 and 30.67.420;

7
8 (b) Day care centers;

9
10 (c) Hotels/motels;

11
12 (d) Material recovery facilities; and

13
14 (e) Recycling facilities.

15
16 Section 23. A new section is added to Snohomish County Code Chapter 30.65 to read:

17
18 **30.65.290 Shallow flooding areas: standards.**

19
20 Areas of shallow flooding appear on FIRMs as AO zones with depth designations. The base
21 flood depths in these zones range from one to three feet above ground where a clearly defined
22 channel does not exist, or where the path of flooding is unpredictable and where velocity flow
23 may be evident. Such flooding is usually characterized as sheet flow. In addition to other
24 applicable provisions in this code, the following provisions apply in AO zones:

25
26 (1) New construction and substantial improvements of residential structures and mobile homes
27 within AO zones shall have the lowest floor (including basement and mechanical equipment)
28 elevated above the highest adjacent grade to the structure, one foot or more above the depth
29 number specified in feet on the applicable FIRM (at least two feet above the highest adjacent
30 grade to the structure if no depth number is specified).

31
32 (2) New construction and substantial improvements of nonresidential structures within AO zones
33 shall either:

34
35 (a) Have the lowest floor (including basement) elevated above the highest adjacent grade of
36 the building site, one foot or more above the depth number specified on the FIRM (at least
37 two feet if no depth number is specified); or

38
39 (b) Together with attendant utility and sanitary facilities, be completely floodproofed to a
40 level above the highest adjacent grade that equals or exceeds the depth number specified on
41 the FIRM (at least two feet if no depth number is specified) plus one foot. Any space below
42 that level must be watertight with walls substantially impermeable to the passage of water

1 and have the capability of resisting hydrostatic and hydrodynamic loads and effects of
2 buoyancy. Compliance shall be certified by a registered professional engineer or architect
3 under SCC 30.65.130.

4
5 (3) Adequate drainage paths around structures on slopes are required to guide floodwaters
6 around and away from proposed structures.

7
8 (4) Recreational vehicles placed on sites within AO zones on the applicable FIRM shall:

9
10 (a) Be on the site for fewer than 180 consecutive days; and

11
12 (b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to
13 the site only by quick disconnect type utilities and security devices, and have no permanently
14 attached additions.

15
16 Section 24. A new section is added to Snohomish County Code Chapter 30.65 to read:

17
18 **30.65.295 Coastal high hazard areas: standards.**

19
20 Coastal high hazard areas are identified in the flood insurance study and depicted on the flood
21 insurance rate maps that are adopted by SCC 30.65.040. These are areas of special flood hazard
22 designated as zones V1-30, VE, and V. These areas have special flood hazards associated with
23 high velocity waters from surges. In addition to other applicable provisions in this code, the
24 following provisions shall apply in zones V1-30, VE, and V:

25
26 (1) All new construction and substantial improvements in zones V1-30 and VE (V if base flood
27 elevation data is available) on the applicable FIRM shall meet the following standards:

28
29 (a) Be elevated on pilings and columns so that the bottom of the lowest horizontal structural
30 member of the lowest floor (excluding the pilings or columns) is:

31
32 (i) For residential buildings, elevated one foot or more above the base flood level; or

33
34 (ii) For nonresidential buildings, elevated one foot or more above the base flood level or
35 meet the elevation requirements of ASCE 24, whichever is higher.

36
37 (b) The pile or column foundation and the structure attached thereto must be anchored to
38 resist flotation, collapse and lateral movement due to the effects of wind and water loads
39 acting simultaneously on all building components. Wind and water loading values shall each
40 have a one percent chance of being equaled or exceeded in any given year (100-year mean
41 recurrence interval).

1 (c) A registered professional engineer or architect must develop or review the structural
2 design, specifications, and plans for the construction, and shall certify that the design and
3 methods of construction to be used are consistent with accepted standards of practice for
4 meeting the provisions of SCC 30.65.295(1)(a) and (b).

5
6 (2) The applicant shall provide the elevation (in relation to mean sea level) of the bottom of the
7 lowest structural member of the lowest floor (excluding pilings and columns) of all new and
8 substantially improved structures in zones V1-30, VE, and V on the applicable FIRM and
9 determine whether such structures contain a basement.

10
11 (3) All new construction within zones V1-30, VE, and V on the applicable FIRM shall be located
12 landward of the reach of mean high tide.

13
14 (4) All new construction and substantial improvements within zones V1-30, VE, and V on the
15 applicable FIRM shall have the space below the lowest floor either free of obstruction or
16 constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening
17 intended to collapse under wind and water loads without causing collapse, displacement, or other
18 structural damage to the elevated portion of the building or supporting foundation system. For
19 the purposes of this section:

20
21 (a) Breakaway walls shall be designed and constructed to have a safe loading resistance of
22 not less than ten and not more than twenty pounds per square foot; or

23
24 (b) Use of breakaway walls which exceed a design safe loading resistance of twenty pounds
25 per square foot (either by design or when so required by local or state codes) may be
26 permitted only when:

27
28 (i) A registered professional engineer or architect certifies that the proposed design meets
29 the following conditions:

30
31 (A) Breakaway wall collapse will result from a water load less than that which would
32 occur during the base flood; and

33
34 (B) The elevated portion of the building and supporting foundation system is not
35 subject to collapse, displacement, or other structural damage due to the effects of
36 wind and water loads acting simultaneously on all building components (structural
37 and non-structural). Maximum wind and water loading values to be used in this
38 determination shall each have a one percent chance of being equaled or exceeded in
39 any given year (100-year mean recurrence interval).

40
41 (ii) The enclosed space created by breakaway walls is useable solely for parking of
42 vehicles, building access, or storage. Such space shall not be used for human habitation.

1
2 (5) The use of fill for structural support of buildings within zones V1-30, VE, and V on the
3 applicable FIRM is prohibited.

4
5 (6) Man-made alteration of sand dunes within zones V1-30, VE, and V on the applicable FIRM
6 which would increase potential flood damage is prohibited.

7
8 (7) All mobile homes to be placed or substantially improved on sites within zones V1-30, V, and
9 VE on the applicable FIRM and that are located outside of a mobile home park or subdivision, in
10 a new mobile home park or subdivision, in an expansion to an existing mobile home park or
11 subdivision, or in an existing mobile home park or subdivision on which a mobile home has
12 incurred "substantial damage" as the result of a flood shall meet the standards of SCC
13 30.65.295(1) through (6).

14
15 (8) All mobile homes to be placed or substantially improved on sites within zones V1-30, V, and
16 VE on the applicable FIRM and that are located in an existing mobile home park or subdivision
17 shall meet the requirements of SCC 30.65.110(1) and 30.65.120(4).

18
19 (9) Recreational vehicles placed on sites within V or VE zones on the applicable FIRM shall:

20
21 (a) Be on the site for fewer than 180 consecutive days; and

22
23 (b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to
24 the site only by quick disconnect type utilities and security devices, and have no permanently
25 attached additions.

26
27 Section 25. A new section is added to Snohomish County Code Section 30.65 to read:

28
29 **30.65.350 Enforcement.**

30
31 The provisions of this chapter shall be enforced under chapter 30.85 SCC.

32
33 Section 26. A new section is added to Snohomish County Chapter 30.91A to read:

34
35 **30.91A.151 Alteration of watercourse.**

36
37 "Alteration of watercourse" means any action that will change the location of the channel
38 occupied by the water within the banks of any portion of a riverine waterbody.

39
40 Section 27. A new section is added to Snohomish County Code Chapter 30.91A to read:

41
42 **30.91A.268 Area of shallow flooding.**

1
2 "Area of shallow flooding" means a designated zone AO, AH, AR/AO, or AR/AH (or VO) on a
3 Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an
4 average depth of one to three feet where a clearly defined channel does not exist, where the path
5 of flooding is unpredictable, and where velocity flow may be evident. Such flooding is
6 characterized by ponding or sheet flow. Also referred to as the "sheet flow area."
7

8 Section 28. A new section is added to Snohomish County Code Chapter 30.91B to read:
9

10 **30.91B.022 Base flood elevation.**

11
12 "Base flood elevation" or "BFE" means the elevation to which floodwater is anticipated to rise
13 during the base flood.
14

15 Section 29. A new section is added to Snohomish County Code Chapter 30.91B to read:
16

17 **30.91B.152 Breakaway wall.**

18
19 "Breakaway wall" means a wall that is not part of the structural support of the building and is
20 intended through its design and construction to collapse under specific lateral loading forces,
21 without causing damage to the elevated portion of the building or supporting foundation system.
22

23 Section 30. A new section is added to Snohomish County Code Chapter 30.91C to read:
24

25 **30.91C.130.1 Coastal high hazard area.**

26
27 "Coastal high hazard area" means an area of special flood hazard extending from offshore to the
28 inland limit of a primary frontal dune along an open coast and any other area subject to high
29 velocity wave action from storms or seismic sources. The area is designated on the Flood
30 Insurance Rate Map (FIRM) as zone V1-30, VE, or V.
31

32 Section 31. Snohomish County Code Section 30.91D.250, last amended by Ordinance
33 No. 20-020 on May 27, 2020, is amended to read:
34

35 **30.91D.250 Development in special flood hazard areas.**

36
37 "Development in special flood hazard areas" means any (~~manmade~~) man-made change to
38 improved or unimproved real estate, including but not limited to buildings or other structures,
39 (~~dams, walls, wharves, embankments, levees, dikes, piles, bridges, improved roads, abutments,~~
40 ~~projections, channel rectifications, conduits, culverts, wires, fences, rocks, gravel, refuse~~
41 ~~deposits,)) mining, dredging, filling, grading, paving, excavation or drilling operations, (~~and~~~~

1 ~~works as defined in this subtitle))~~ and storage of equipment or materials within the area of
2 special flood hazard.

3
4 *This definition applies only to “Flood hazard” regulations in ((chapter)) chapters 30.43C,*
5 *30.43D, and 30.65 SCC.*

6
7 Section 32. Snohomish County Code Section 30.91F.130, last amended by Ordinance No.
8 20-029 on May 27, 2020, is amended to read:

9
10 **30.91F.130 Farmhouse.**

11
12 "Farmhouse" means a single-family dwelling(~~(, including modular and mobile homes,~~
13 ~~constructed to building code standards placed on permanent concrete foundations, locating))~~
14 located on a farm site where resulting agricultural products are not produced for the primary
15 consumption or use by the occupants and the farm owner.

16
17 *This definition applies only to ((chapters)) the “Flood hazard” regulations in chapters 30.43C,*
18 *30.43D and 30.65 SCC.*

19
20 Section 33. Snohomish County Code Section 30.91F.360, last amended by Ordinance No.
21 20-029 on May 27, 2020, is amended to read:

22
23 **30.91F.360 Flood or flooding.**

24 "Flood or flooding" means either:

25
26
27 ((a)) (1) A general and temporary condition of partial or complete inundation of normally dry
28 land areas from:

29
30 (a) The ((the)) overflow of inland or tidal waters; ((or))

31
32 (b) The ((the)) unusual and rapid accumulation ((or)) or runoff of surface waters from any
33 source; or ((-))

34
35 (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in
36 paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the
37 surfaces of normally dry land areas, as when earth is carried by a current of water and
38 deposited along the path of the current; or

39
40 (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result
41 of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical
42 levels or suddenly caused by an unusually high water level in a natural body of water,

1 accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an
2 abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in the
3 overflow of inland or tidal waters.

4
5 Section 34. Snohomish County Code Section 30.91F.370, last amended by Ordinance No.
6 20-029 on May 27, 2020, is amended to read:

7
8 **30.91F.370 Flood hazard area, special.**

9
10 "Flood hazard area, special" ("Special flood hazard area") means the land in the ~~((flood plain that~~
11 ~~is)) floodplain within a community subject to a one percent or greater chance of flooding in any
12 given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30,
13 AE, A99, or AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning
14 with the phrase "area of special flood hazard." (See figure 30.91F.410 for illustration.)~~

15
16 Section 35. Snohomish County Code Section 30.91F.390, last amended by Ordinance
17 No. 20-029 on May 27, 2020, is amended to read:

18
19 **30.91F.390 Flood insurance rate map.**

20
21 "Flood insurance rate map" (FIRM) means the official map of a community, on which the federal
22 insurance ~~((administration))~~ administrator has delineated both the areas of special flood hazards
23 and the risk premium zones applicable to the community. A FIRM that has been made digitally
24 available is called a digital flood insurance rate map (DFIRM).

25
26 Section 36. Snohomish County Code Section 30.91F.400, last amended by Ordinance No.
27 20-029 on May 27, 2020, is amended to read:

28
29 **30.91F.400 Flood insurance study.**

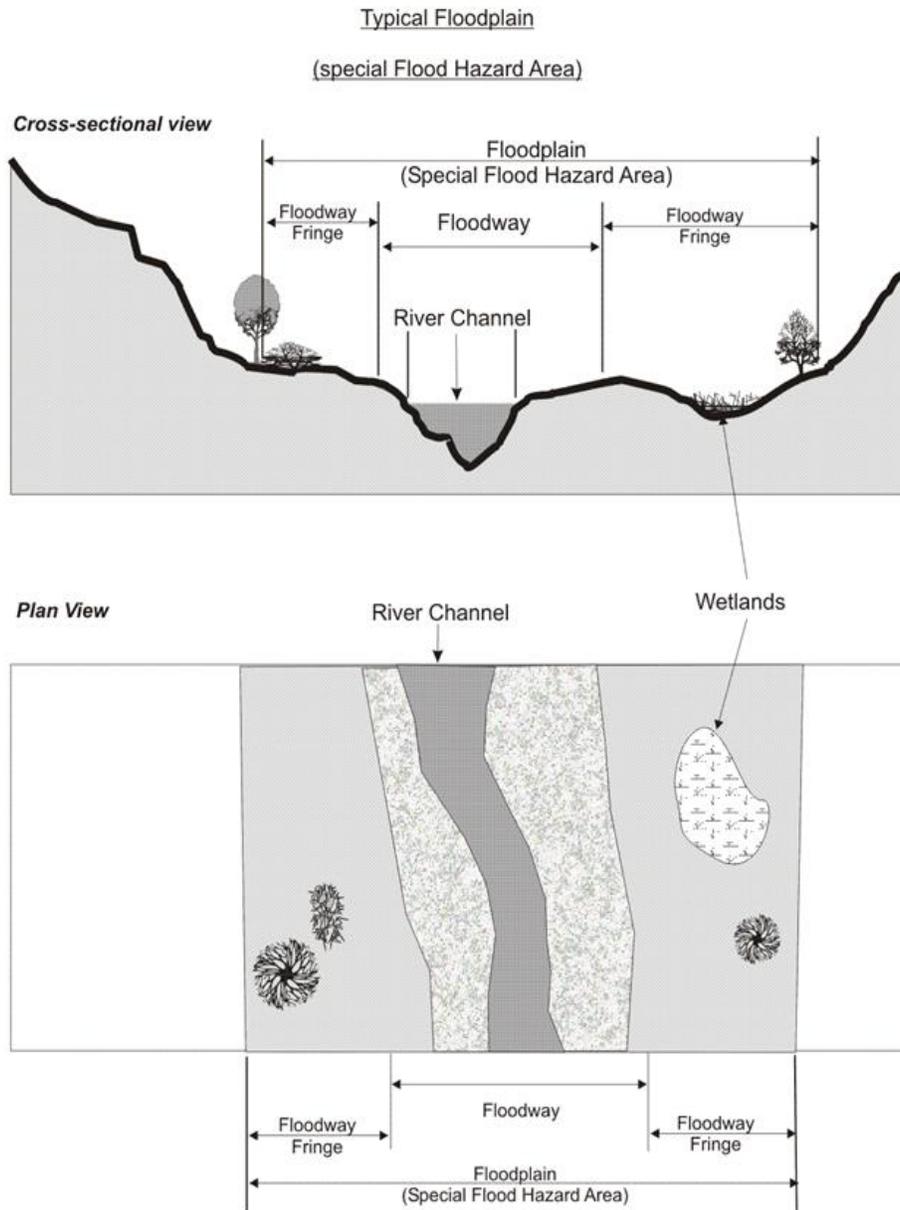
30
31 "Flood insurance study" means ~~((the official report provided by the federal insurance~~
32 ~~administration that includes flood profiles, the flood boundary floodway map, and the water~~
33 ~~surface elevation of the base flood.)) an examination, evaluation and determination of flood
34 hazards and, if appropriate, corresponding water surface elevations, or an examination evaluation
35 and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazard. Also known
36 as a "flood elevation study."~~

37
38 Section 37. Snohomish County Code Section 30.91F.410, last amended by Ordinance No.
39 20-029 on May 27, 2020, is amended to read:

40
41 **30.91F.410 Floodplain or flood-prone area.**

1 "Floodplain" or "flood-prone area" means ((a land area adjoining a river, stream, watercourse,
 2 ocean, bay, or lake which is likely to be flooded. The extent of the floodplain may vary with the
 3 frequency of flooding being considered. The floodplain typically consists of the floodway and
 4 the floodway fringe.) any land area susceptible to being inundated by water from any source.
 5 (See figure 30.91F.410 for illustration.)
 6

7 **Figure 1 (SCC Figure 30.91F.410)**
 8
 9



10

1
2 Section 38. A new section is added to Snohomish County Code Chapter 30.91F to read:

3
4 **30.91F.418 Floodplain administrator.**

5
6 "Floodplain administrator" means the community official designated to administer and enforce
7 the flood hazard regulations in chapters 30.43C, 30.43D, and 30.65 SCC.
8

9 Section 39. Snohomish County Code Section 30.91F.420, added by Amended Ordinance
10 No. 02-064 on December 9, 2002, is amended to read:

11
12 **30.91F.420 Floodproofing.**

13
14 "Floodproofing" means any combination of structural and nonstructural additions, changes or
15 adjustments to ~~((properties and))~~ real property, structures, or water and sanitary facilities which
16 reduce or eliminate risk of flood ~~((damages))~~ damage to ~~((lands))~~ the real property, ~~((water and~~
17 ~~sanitary facilities;))~~ structures and their contents, or water and sanitary facilities ~~((of buildings))~~.
18 Floodproofed structures are those that have the structural integrity and design to be impervious to
19 floodwater below the base flood elevation.
20

21 Section 40. Snohomish County Code Section 30.91F.430, last amended by Ordinance No.
22 20-029 on May 27, 2020, is amended to read:

23
24 **30.91F.430 Floodway.**

25
26 "Floodway" means the ~~((regular))~~ channel of a river~~((, stream;))~~ or other watercourse~~((, plus))~~
27 and the adjacent land areas that must be reserved in order to discharge the base flood without
28 cumulatively increasing the water surface elevation more than ~~((one foot))~~ a designated height.
29 Also referred to as "regulatory floodway." (See figure 30.91F.410 for illustration).
30

31 Section 41. A new section is added to Snohomish County Code Chapter 30.91F to read:

32
33 **30.91F.530 Functionally dependent use.**

34
35 "Functionally dependent use" means docking facilities, port facilities that are necessary for the
36 loading and unloading of cargo or passengers, and ship building and ship repair facilities, and
37 does not include long-term storage or related manufacturing facilities.
38

39 *This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and*
40 *30.65 SCC.*
41

42 Section 42. A new section is added to Snohomish County Code Chapter 30.91H to read:

1
2 **30.91H.109 Highest adjacent grade.**

3
4 "Highest adjacent grade" means the highest natural elevation of the ground surface prior to
5 construction next to the proposed walls of a structure.
6

7 Section 43. A new section is added to Snohomish County Code Chapter 30.91H to read:

8
9 **30.91H.118 Historic structure.**

10
11 "Historic structure" means any structure that is:

12
13 (1) Listed individually in the National Register of Historic Places (a listing maintained by the
14 Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the
15 requirements for individual listing on the National Register;

16
17 (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the
18 historical significance of a registered historic district or a district preliminarily determined by the
19 Secretary of the Interior to qualify as a registered historic district;

20
21 (3) Individually listed on a state inventory of historic places in states with historic preservation
22 programs which have been approved by the Secretary of Interior; or

23
24 (4) Individually listed on a local inventory of historic places in communities with historic
25 preservation programs that have been certified either:

26
27 a) By an approved state program as determined by the Secretary of the Interior, or

28
29 b) Directly by the Secretary of the Interior in states without approved programs.
30

31 *This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and*
32 *30.65 SCC.*

33
34 Section 44. Snohomish County Code Section 30.91L.220, last amended by Ordinance
35 No. 20-029 on May 27, 2020, is amended to read:

36
37 **30.91L.220 Lowest floor.**

38
39 "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An
40 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or
41 storage in an area other than a basement area is not considered a building's lowest floor, ~~((only~~
42 ~~when))~~ provided that such enclosure is not built ((consistent with)) so as to render the structure in

1 violation of the applicable non-elevation design requirements of SCC 30.65.120(2)(b) (e.g.,
2 provided there are adequate flood ventilation openings).

3
4 Section 45. A new section is added to Snohomish County Code Chapter 30.91L to read:

5
6 **30.91L.223 Lowest horizontal structural member.**

7
8 “Lowest horizontal structural member” means the lowest beam, joist, or other horizontal member
9 that supports an elevated building. Grade beams installed to support vertical foundation members
10 are not considered lowest horizontal structural members.

11
12 Section 46. A new section is added to Snohomish County Code Chapter 30.91M to read:

13
14 **30.91M.065 Mean sea level.**

15
16 "Mean sea level" for purposes of the National Flood Insurance Program, means the vertical
17 datum to which base flood elevations (BFE) shown on a flood insurance rate map (FIRM) are
18 referenced.

19
20 Section 47. Snohomish County Code Section 30.91N.040, last amended by Ordinance
21 No. 20-029 on May 27, 2020, is amended to read:

22
23 **30.91N.040 New construction.**

24
25 "New construction" means structures for which the start of construction commenced on or after
26 March 15, 1984, the effective date of the county’s original floodplain management
27 regulations. The term new construction also includes any subsequent improvements to such
28 structures.

29
30 *This definition applies only to "Flood hazard" regulations in chapters 30.43C, 30.43D, and*
31 *30.65 SCC.*

32
33 Section 48. A new section is added to Snohomish County Code Chapter 30.91R to read:

34
35 **30.91R.022 Reasonably safe from flooding.**

36
37 "Reasonably safe from flooding" means development that is designed and built such that it meets
38 the standards of chapter 30.65 SCC and is protected from the base flood. In unnumbered A zones
39 where flood elevation information is not available and cannot be obtained by practicable means,
40 “reasonably safe from flooding” means that the lowest floor is at least two feet above the highest
41 adjacent grade as defined in SCC 30.91H.109.

1 Section 49. Snohomish County Code Section 30.91S.570, last amended by Ordinance No.
2 20-029 on May 27, 2020, is amended to read:

3
4 **30.91S.570 Start of construction.**

5
6 "Start of construction" means the date a building permit was issued, ~~((for permanent construction~~
7 ~~of a structure or substantial improvement of a structure on a site))~~ provided the actual start of
8 construction, repair, reconstruction, rehabilitation, addition, placement, or ((placement of other
9 improvements)) other improvement was within 180 days of the permit issuance date. The actual
10 start of construction means either the first placement of a permanent construction element of a
11 structure on a site (including but not limited to, the pouring of slab or footings, the installation of
12 piles, the construction of columns, or any work beyond the stage of excavation) or the placement
13 of a mobile home on a foundation. Permanent construction does not include land preparation,
14 such as clearing, grading and filling; nor does it include the installation of streets and/or walk-
15 ways; nor does it include excavation for ~~((basements))~~ a basement, footings, piers, or foundations
16 or the erection of temporary forms; nor does it include the installation on the property of
17 accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the
18 main structure. For a substantial improvement, the actual start of construction means the first
19 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that
20 alteration affects the external dimensions of the building.

21
22 *This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and*
23 *30.65 SCC.*

24
25 Section 50. Snohomish County Code Section 30.91S.750, last amended by Ordinance No.
26 20-029 on May 27, 2020, is amended to read:

27
28 **30.91S.750 Substantial improvement.**

29
30 "Substantial improvement" means any ~~((repair,))~~ reconstruction, rehabilitation, addition, or other
31 improvement of a structure ((which meets the following:)), the cost of which equals or exceeds
32 50 percent of the structure's market value before the "start of construction." This term applies to
33 structures which have incurred "substantial damage," regardless of the actual repair work
34 performed. The total value of all improvements to an individual structure undertaken after March
35 15, 1984, shall be used in calculating the value of the improvements pursuant to this section. If at
36 any time the cumulative value of all improvements to the same structure exceeds the 50 percent
37 limit, a substantial improvement exists.

38
39 ~~(((1) The cost of the repair, reconstruction, or improvement must equal or exceed 50 percent of~~
40 ~~the market value of the structure either:~~

41
42 ~~(a) Before the improvement or repair is started, or~~

1
2 (b) ~~Before the damage occurred for a structure that has been damaged and is being~~
3 ~~restored.))~~
4

5 ~~((2) For the purposes of this definition substantial improvement occurs when the first alteration~~
6 ~~of any wall, ceiling, floor, or other structural part of the building commences, whether or not that~~
7 ~~alteration affects the external dimensions of the structure.))~~
8

9 ~~((3) The total value of all improvements to an individual structure undertaken subsequent to~~
10 ~~March 15, 1984, shall be used in calculating the value of the improvements pursuant to this~~
11 ~~section. If at any time the cumulative value of all improvements to the same structure exceeds~~
12 ~~the 50 percent limit, a substantial improvement exists.))~~
13

14 ~~((4) The))~~ This term does not include:
15

16 ~~((a))~~ (1) Any project for improvement of a structure to correct previously identified existing
17 violations of state or local health, sanitary, or safety code specifications which have been
18 identified by the ~~((county or other agency with jurisdiction))~~ local code enforcement official and
19 ~~((which))~~ that are the minimum necessary to assure safe living conditions; or
20

21 ~~((b))~~ (2) Any alteration of a historic structure, ~~((when))~~ provided that the alteration will not
22 preclude the structure's continued designation as a historic structure.
23

24 *This definition applies only to "Flood hazard" regulations in chapter 30.43C, 30.43D and 30.65*
25 *SCC.*
26

27 Section 51. Severability and Savings. If any section, sentence, clause or phrase of this
28 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or
29 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
30 not affect the validity or constitutionality of any other section, sentence, clause or phrase of this
31 ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is
32 held to be invalid or unconstitutional by the Board or court of competent jurisdiction, then the
33 section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in
34 full force and effect for that individual section, sentence, clause or phrase as if this ordinance had
35 never been adopted.
36
37
38
39
40
41
42

1 PASSED this 4th day of November, 2020.

2
3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7
8 
9 Council Chair

10 ATTEST:

11
12 
13
14
15 Clerk of the Council

- 16
17
18 (X) APPROVED
19 () EMERGENCY
20 () VETOED

DATE: 11/17/2020

21
22 
23
24
25 County Executive

26 ATTEST:

27
28 
29
30

31
32
33 Approved as to from only:

34
35
36 
37
38 Deputy Prosecuting Attorney

39
40
41
42 D-3