

Appendix A

State Environmental Policy Act and Flood Damage Prevention

Sultan Municipal Code 17.04 (Ord. 714-00) and 17.08 (Ord. 808-03)

17.08.010 Statutory authorization.

The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city of Sultan does ordain as set forth in this chapter. (Ord. 808-03)

17.08.020 Findings of fact.

A. The flood hazard areas of the city of Sultan are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in floodplains resulting in increases in flood heights and velocities, and by the occupancy in flood hazard lands of structures that are inadequately elevated, floodproofed, or otherwise unprotected from flood damage. (Ord. 808-03)

17.08.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;

D. Control filling, grading, dredging and other development that may increase erosion or flood damage; and

E. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands. (Ord. 808-03)

17.08.040 Objectives.

The objectives of this chapter are:

A. To protect human life and health;

- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize the number of blighted areas that could be created by floods;
- F. To ensure that potential homebuyers are notified that property is in a flood area; and
- G. To prevent the loss of federal assistance to the city of Sultan due to a violation of federal flood control requirements. (Ord. 808-03)

17.08.060 General provisions.

A. Lands to Which These Performance Standards Apply. These performance standards shall apply to all areas of special flood hazards within the jurisdiction of the city of Sultan.

B. Basis for Establishing the Areas of Special Flood Hazard. The area of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated November 8, 1999, and any revisions thereto, with accompanying flood insurance rate map (FIRM) are adopted by reference and declared to be a part of these performance standards.

C. Establishment of Permit. A permit shall be required in conformance with the provisions of these standards prior to the commencement of any development activities.

D. Compliance. No structure or land shall hereafter be located, extended, constructed or structurally altered without full compliance with the terms of these standards and other applicable laws.

E. Abrogation and Greater Restrictions. These performance standards are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these standards and any other conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation. In the interpretation and application of these standards, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally constructed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state of Washington or federal laws.

G. Warning and Disclaimer of Liability. The degree of flood protection required by these performance standards is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. These standards do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These standards shall not create liability on the part of the city of Sultan or by any officer or employee thereof for any flood damages that result from reliance on these standards or any administrative decision lawfully made thereunder. (Ord. 808-03)

17.08.070 Administration.

A. Designation of the Building and Zoning Official. The building and zoning official is hereby designated to administer and implement the provisions of these performance standards.

B. Permit Procedure. Application for a permit shall be made to the building and zoning official prior to any development activities, and shall include, but not be necessarily limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing facilities; the location of the proposed development activity; proposed cuts and filling of any land area; existing and/or

proposed storage of materials; existing and/or proposed stormwater drainage facilities; and the locations of all of the foregoing. Specifically, the following information is required:

1. Application Stage.
 - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
 - c. Certificate from a registered professional engineer or architect registered in the state of Washington that the nonresidential floodproofed structure will meet the floodproofing criteria contained in these performance standards; and
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. Construction Stage. Provide a floor elevation or floodproofing certification after the lowest floor is completed. Upon placement of the lowest floor, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the building and zoning official's office a certification of the elevation of the lowest portion of the horizontal structural members of the lowest floor, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
3. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building and zoning official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey, or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project. (Ord. 808-03)

17.08.080 Duties and responsibilities of the building and zoning official.

The duties of the building and zoning official shall include, but not be limited to:

- A. Permit Review.
 1. Review all permits to assure that the permit requirements of these standards have been satisfied.
 2. Advise the permittee that additional federal, state of Washington, or Snohomish County permits may be required, and if these specific permit requirements are known, require that copies of such permits be provided and maintained on file with the permit.
 3. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 4. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 5. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
 6. When floodproofing is utilized for a particular structure, the building and zoning official shall obtain certification from a professional engineer or architect registered in the state of Washington.
 7. Where interpretation is needed to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions), the building and zoning official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

8. When base flood elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

9. All records pertaining to the provisions of these performance standards shall be maintained in the office of the building and zoning official and shall be open for public inspection. (Ord. 808-03)

17.08.110 Provisions for flood hazard reduction.

A. General Standards. In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of subsection (B)(4)(b)(ii) of this section.

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

4. New construction or substantial improvements shall be erected by methods and practices that minimize flood damage.

5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into them and discharges from them into flood waters.

8. On-site waste disposal systems (septic tanks) shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9. Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this section, shall meet the requirements of "new construction" as contained in this section.

B. Specific Standards. In all areas of special flood hazard where base flood elevation data have been provided, the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than 1.6 feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided per subsection (B)(3) of this section.

2. Nonresidential Construction. New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall either have the lowest floor, including basement, elevated 1.6 feet or more above the base flood elevation, together with attendant utility and sanitary facilities, or shall:

a. Be floodproofed to a point 1.6 feet or more above the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

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

c. Be certified by a professional engineer or architect registered in the state of Washington, that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design,

specifications and plans. Such certifications shall be provided to the official as set forth in SMC [17.08.070](#);

d. Nonresidential structures that are elevated, not floodproofed, must meet the same standard for space below the lowest floor as described in subsection (B)(3) of this section.

e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

3. Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect registered in the state of Washington or meet the following minimum criteria:

i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

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

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

b. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

4. Manufactured Homes.

a. All manufactured homes to be placed or substantially improved within Zones A1 – A30, AH, and AE on the community's FIRM on sites:

i. Outside of a manufactured home park or subdivision;

ii. In a new manufactured home park or subdivision;

iii. In an expansion to an existing manufactured home park or subdivision;

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 1.6 feet above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement;

b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 – A30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

i. The lowest floor of the manufactured home is elevated 1.6 feet above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

5. Floodways. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles and has erosion potential, the following provisions shall apply:

a. Encroachments, including fill, new construction, substantial improvements, and other development, shall be prohibited, unless certification (with supporting technical data) by a professional

engineer registered in the state of Washington is provided, demonstrating that such encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

b. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

i. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

ii. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent.

17.08.120 Standards for subdivision proposals.

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

D. Base flood elevation data shall be provided for subdivision proposals and other proposed development that is no less than three acres in size. (Ord. 808-03)

17.08.130 Recreational vehicles.

Recreational vehicles placed on sites within Zones A1 – A30, AH, and AE on the community's FIRM either:

A. Be on the site for fewer than 180 consecutive days; no recreational vehicles may be left in a flood zone during a flood warning or watch.

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

C. No recreational vehicle may be used as a permanent residence. (Ord. 808-03)

17.08.140 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. 808-03)