



## **PLANNING COMMISSION AGENDA**

**May 11, 2020– 6:30 PM**

**Stanwood Fire Station (8117 267th Pl NW)**

1. Call to Order
2. Roll Call
3. Public Requests and Comments
4. Approval of Minutes
  - Approval of the April 27, 2020 Planning Commission Minutes
5. New Business
  - Floodplain Regulations Update Public Hearing
6. Old Business
7. Miscellaneous Business
8. Recent Council Action on Commission Items
9. Upcoming Items
10. Adjourn

**For information about this agenda, contact the Community Development Department at 360-454-5212.**

**SPECIAL ACCOMMODATIONS: The City of Stanwood strives to provide accessible meetings for people with disabilities. Please contact the Planning Commission Clerk at 360-454-5212 two business days prior to the meeting.**



## Planning Commission Meeting Minutes April 27, 2020

Planning Commission Chair, Linda Utgard called the meeting to order at 6:30 pm via Zoom Meetings.

**Commissioners in Attendance:** Linda Utgard, Darren Robb, Marcus Metz, Patrick Hosterman, Lance Dennis, Justin Burns, Larry Sather

**Staff in Attendance:** Community Development Director Patricia Love, Senior Planner Amy Rusko, Administrative Assistant Krista Hintz

The meeting began with Patricia Love giving a brief overview of the zoom meeting process. Votes will be taken via roll call. State your name for the record when commenting.

***Public Requests or Comments.***

There were no public requests or comments. The meeting link was posted on the website with the agenda.

***Approval of Minutes***

Marcus Metz made a motion to approve the minutes as presented. Larry Sather seconded the motion. Roll was taken, the minutes of the February 24, 2020 Planning Commission Meeting were approved as presented

***New Business • Public Meeting – Upper Left Apartments Project***

The applicant is proposing a three-story multi-family residential building on approximately 1.6 acres. The project site is located north 272nd Street and south of 276th Street. The multi-family residential building will accommodate 31 units. The project proposes 19 one-bedroom/studio units and 12 two-bedroom units within the building. The project includes a 15,000 square foot tenant outdoor space and barbeque area, parking lot lighting, frontage improvements along 72nd Avenue, stormwater pond, and perimeter landscaping. Public Comments submitted during the notice of application period were reviewed.

Commissioner Robb asked if a traffic impact study had been completed. The study was submitted with the application. The estimated number of trips through the intersection does not exceed our level of service. However, we are still looking at options like a possible stop sign at the intersection of 276<sup>th</sup> and 72<sup>nd</sup>.

Commissioner Robb also questioned if there was an opportunity for discussion with the developers to have that moved to a location not along 272<sup>nd</sup>. Retention ponds are typically located in a low point for drainage purposes to allow gravity to work rather than installing pumps.

Commissioner Dennis asked if there had been discussion about a bike/pedestrian lane along the length of 72<sup>nd</sup> Ave NW. The standards call for a landscape strip and full sidewalk. From the project, north to 276<sup>th</sup> there will be a connecting sidewalk.



## Planning Commission Meeting Minutes April 27, 2020

Commissioner Robb asked if the improvements were set for two lane or three lanes. *From back of sidewalk on both sides will be 57feet. The road will stay in line with the apartments to the north.*

Commissioner Hosterman asked who was doing the traffic analysis study. How is the study taking into account traffic for future development on that road? *The study is being done by an independent consulting firm and can only take into account projects in our pipeline and the level of service in our comp plan. They cannot work off future projects that have not been submitted.*

Commissioner Robb asked if there has been conversation with Public Works about moving forward on the 72<sup>nd</sup> Corridor Widening- High Priority Plan. Patricia Love will check the Six Year CIP project list and get back to the Commissioners with that answer. Commissioner Robb stated he will check the Six Year Comp Plan.

Commissioner Hosterman asked if there were answers to the other four questions listed under Public Comments.

**Question 1-** Does not see the need for more apartments to be built in Stanwood. States that there are plenty of empty apartments available.

*The zone allows for apartments to be built on the parcel. It is a private investment, If the developer sees a need for more apartments they can be built if it's a permitted use.*

**Question 2-** Concerns of diminished privacy to neighboring property owners because the new tenants of the building will be able to peer into the backyards of residential homes in the church creek neighborhood. *Trees will be planted for privacy.*

**Question 3-** Concerned with parking. States that parking is a problem within the church creek development and high school students park in their neighborhood. The new apartment tenants will also seek parking in adjacent neighborhoods when their parking lot is full.

*The project has accounted for the required amount of parking. Parking enforcement will become a police issue.*

**Question 4-** Concerned that the proposed project will cause an increase of theft, drugs, and crime to the community. Adjacent neighborhoods have gotten their garages broken into and mailboxes vandalized. *Instances do increase when the population increases, however, theft and vandalism are police issues and don't increase just because the housing type is apartments.*

**Question 5-** Concerned that the project will cause more traffic congestion to 72nd Avenue. Answered above.

Commissioner Utgard asked if the retention pond would be an open pond or have a lid. *There will be a six-foot black vinyl fence and landscaping around an open pond.*

Commissioner Utgard also verified the site plan includes the required 60 spaces of parking.



## Planning Commission Meeting Minutes April 27, 2020

Commissioner Burns commented in support of Commissioner Hosterman, that pedestrian safety and bike/pedestrian paths is something we should be looking at for that area with the current congestion as a consideration.

Commissioner Robb reiterated his concern about esthetics and safety of having the pond along the road.

### ***Miscellaneous Business- Upcoming Items***

We will be holding regular Planning Commission meetings via zoom through at least June. The first meeting in May will be a Public Hearing for Floodplain Regulations. Facing a June 19<sup>th</sup> deadline, a decision to forward a recommendation will need to be reached at the next meeting.

The second meeting in May will be Planning 101

Commissioner Sather made a motion to adjourn. Commissioner Robb seconded.

Meeting Adjourned: 7:17 pm



## CITY OF STANWOOD STANWOOD PLANNING COMMISSION AGENDA STAFF REPORT

**MEETING DATE:** May 11, 2020

**SUBJECT:** Floodplain Regulations

**CONTACT PERSON:** Patricia Love, Community Development Director

**ATTACHMENTS:** A Ordinance 1486—Floodplain Regulations  
B Summary of Changes

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### **Issue**

The issue before the Planning Commission is to review and provide a recommendation to the Stanwood City Council on the approval of the attached draft Floodplain Regulations Code Amendment.

### **Summary**

Over the past several years the Federal Emergency Management Agency (FEMA) has been working on updating the Snohomish County Flood Insurance Rate Maps. This work has been completed and FEMA now requires all jurisdictions within Snohomish County to update their floodplain regulations by June 19, 2020.

### **Staff Recommendation**

Attached for your review and consideration is the proposed Floodplain Regulations code amendment. Staff recommends that the Planning Commission:

1. Open the Public Hearing
2. Receive the Staff Presentation and Ask Questions (if any)
3. Take Public Testimony and Ask Questions (if any)
4. Deliberate or Ask Any Additional Questions of Staff
5. Close the Public Hearing
6. Recommend / approve the draft code amendment and findings of fact and conclusions as presented or with amendments.

### **Planning Commission Options**

Snohomish County cities and counties must update their Floodplain Regulations by July 19, 2020. This mandated timeline requires that the Planning Commission forward a recommendation of approval on the proposed Floodplain Regulation edits.

## **Background**

The City of Stanwood is impacted by periodic flooding resulting from large storm events combined with high tides. Due to the topographic nature of the City, all of west Stanwood lies in the 100-year floodplain. This area generally includes land to the west of the railroad tracks and a small area west of Pioneer Highway just east of the railroad tracks. A 100 year flood area is defined as those lands that are subject to a one percent or greater chance of flooding in any one year.

On December 19, 2019 the City received notice that the FEMA updated the Snohomish County flood hazard determination maps. The city must adopt the most current flood hazard map revision as well as any associated development regulations by June 19, 2020 in order to maintain participation in the National Flood Insurance Program (NFIP). Participation in the NFIP allows city residents the option to obtain flood insurance as well as qualify for federal disaster aid.

According to FEMA, the City of Stanwood can either repeal their existing floodplain ordinance and replace it with the model or meet all items in the provided model ordinance. The attached draft ordinance maintains the city's current floodplain regulations with proposed draft amendments which comply with the State's model ordinance. Updating our floodplain regulations is important as per the Code of Federal Regulations, a community that does not adopt updated regulations along with the new flood maps becomes automatically suspended from the NFIP until the updated ordinance is adopted and approved by FEMA.

A copy of the draft ordinance was sent to FEMA on January 15, 2020 for their review. Responses back from FEMA on the draft regulations over a few month period, including: February 25, March 20, and April 14, 2020. FEMA has provided written verification that the proposed code edits meet federal regulations.

## **Comprehensive Plan Consistency**

Stanwood's Comprehensive Plan envisions a strong community that balances the needs of residents and business; protects the environment; encourages economic development and preservation of the City's small town rural character.

### **Natural Features Goals and Policies:**

Goal NFG -1: To achieve a well-balanced relationship between the built and natural environments utilizing guidance derived from best available science.

Policy NFG – 1.6: Promote appropriate uses and design techniques to minimize the risk to human life, property, and public facilities in geologically hazardous and frequently flooded areas.

Policy NFG – 1.7: Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat and the overall net

loss of wetlands, frequently flooded areas and habitat conservation areas.

The State of Washington identified Snohomish County as a priority for FEMA's Risk MAP program. The State determines its priorities based on population at risk to hazards, recent events, and community interest.

FEMA has been working with team of scientist to develop new floodplain maps since 2011. Using *Best Available Science*, new risk maps were created showing the location of properties relative to special flood hazards. Adopting updated floodplain regulations is consistent with the comprehensive plan and city policy to be a participating community in the National Flood Insurance Program.

### **Ordinance Summary**

The city's floodplain regulations were adopted as part of its critical area regulations: Stanwood Municipal Code, Chapter 17.120, Critical Areas – Flood Hazard Areas. The attached draft ordinance includes both major and minor amendments consistent with the model ordinance. Attached is a section by section summary of the proposed changes showing how the city proposes to comply with the model ordinance.

In summary, the proposed ordinance includes the following floodplain amendments:

1. Updated definitions related to floodplains;
2. Expanded Purpose section regarding minimizing damage and notifying potential purchasers;
3. Added a new section regarding Methods of Reducing Flood Loss;
4. Adopting the 2020 FIRM map;
5. Identifies penalties for non-compliance
6. Adopts new regulations for:
  - a. storage of materials and equipment in floodplains;
  - b. construction of detached garages, storage structures and other development regulations such as anchoring of buildings,
  - c. use of flood resistant materials, constructing above the base flood elevation;and
7. Minor textual amendments to be consistent with the FEMA / Washington State model ordinance.

### **Committee Recommendation**

This item was brought to the Community Development Committee on February 27 and April 23, 2020. The CDC acknowledged the tight timeframe needed to adopt the ordinance in order to meet the federally mandated deadline and agreed to one meeting for the first, second and final reading of the ordinance.

### **Financial Impact**

The proposed floodplain code amendments are mandatory to maintain our participation in the NFIP. Costs associated with adopting the ordinance include staff time and attorney

review. Greater costs to our community would be felt if we do not adopt the mandated changes and our residents are unable to obtain flood insurance coverage or be eligible for federal disaster aid.

**Proposed Motion**

**I MOVE TO RECOMMEND APPROVAL OF THE FLOODPLAIN REGULATIONS CODE AMENDMENT TO THE STANWOOD CITY COUNCIL.**

**I MOVE TO RECOMMEND APPROVAL OF THE FINDINGS OF FACT AND CONCLUSIONS FOR THE FLOODPLAIN REGULATIONS CODE AMENDMENT TO THE STANWOOD CITY COUNCIL.**

These motions can be amended to add any proposed amendments as discussed at the public hearing and during deliberations.

**CITY OF STANWOOD  
WASHINGTON**

**ORDINANCE NO. 1486**

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) CHAPTER 17.20 ENTITLED "DEFINITIONS" RELATED TO DEFINITIONS NEEDED FOR IMPLEMENTATION OF THE NATIONAL FLOOD INSURANCE PROGRAM; CHAPTER 17.120 ENTITLED "CRITICAL AREAS – FREQUENTLY FLOODED AREAS – SPECIFIC STANDARDS" RELATING TO DEVELOPMENT WITHIN FLOOD ZONES; ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, close to 300 towns, cities, counties, and tribes within the State of Washington participate in the National Flood Insurance Program (NFIP); and

**WHEREAS**, the flood hazard areas of Stanwood are subject to periodic inundation, which 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; and

**WHEREAS**, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

**WHEREAS**, as a condition of participation in the NFIP, the City of Stanwood is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP; and

**WHEREAS**, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for local residents; and

**WHEREAS**, the last update to the City's floodplain regulations occurred in 2009 (Ordinance 1250); and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated draft model ordinance that includes all the minimum standards required as a condition of participation in the NFIP; and

**WHEREAS**, In order to maintain participation in the NFIP and allow Stanwood

residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards; and

**WHEREAS**, the city desires to amend Stanwood Municipal Code Chapter 17.120, Frequently Flooded Areas, to adopt state and federal regulations relating to special flood hazards; and

**WHEREAS**, the City of Stanwood SEPA Responsible Official has reviewed the amendments proposed to SMC Chapter 17.120, Frequently Flooded Areas, and issued a Determination of Non-Significance on February 18, 2020; and

**WHEREAS**, the Stanwood Planning Commission reviewed the draft ordinance at their February 10 and May 11, 2020 meetings and has recommended that the City Council adopt the ordinance as presented; and

**WHEREAS**, the City Council Community Development Committee reviewed the proposed language and amendments set forth in this Ordinance at their February 27, and April 23, 2020 meetings; and

**WHEREAS**, the City Council held their first, second and final reading of the draft code amendment on \_\_\_\_\_, 2020 and accepted public comment; and

**WHEREAS**, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to Title 17.120 Frequently Flooded Areas, and

**WHEREAS**, the City Council of Stanwood has authority under Title 35A, RCW to adopt plans and regulations related to development and operations within the City of Stanwood; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Definitions.** Stanwood Municipal Code, Title 17.20, Definitions, is hereby amended with updated definitions as they relates to frequently flooded areas, as provided in Exhibit "A" attached to this ordinance and incorporated herein by reference as if set forth in full.

**Section 2. Frequently Flooded Areas.** Stanwood Municipal Code, Title 17.120, Critical Areas - Frequently Flooded Areas – Specific Standards, is hereby amended to include updated floodplain development regulations consistent with state and federal standards, as provided in Exhibit "B" attached to this ordinance and incorporated herein by reference as if set forth in full.

**Section 3. Findings of Fact and Conclusions.** In support of the amendment approved in this Ordinance the Stanwood City Council adopts the Findings of Fact and Conclusions attached hereto as Exhibit "C" and incorporated herein by reference and the analysis contained in the Staff Report on the amendments.

**Section 4. Severability.** The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 5. Authority to Make Necessary Corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

**Section 6. Conflict.** In the event that there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

**Section 7. Effective Date.** This Ordinance shall take effect five (5) days after its passage and publication as required by law.

**PASSED AND APPROVED** by the Stanwood City Council this \_\_\_\_ day of \_\_\_\_\_ 2020.

CITY OF STANWOOD

\_\_\_\_\_  
Leonard Kelley, Mayor

ATTEST:

By: \_\_\_\_\_  
Sara Robinson, Deputy City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Grant Weed, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**Exhibit A  
To Ordinance 1486**

**Amendments to  
Stanwood Municipal Code  
Title 17.20, Definitions**

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The following definitions are either added to Chapter 17.20 or edited as shown.

**17.20.020 “A” Definitions**

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**Alteration of Watercourse:** Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

**Appeal (For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards):** A request for a review of the interpretation of any provision of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards, or a request for a variance.

**Area of Shallow Flooding:** A designated zone AO (~~where the average depths of inundation are shown~~), or AH (~~where base flood elevations are shown~~), AR/AO or AR/AH (or VO) zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depth from a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

**Area of Special Flood Hazard:** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

**ASCE 24:** The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

**17.20.030 “B” Definitions**

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**Base Flood Elevation (BFE):** ~~The height above mean sea level expected to be reached by the 100-year flood as officially determined by the U.S. Army Corps of Engineers.~~ The elevation to which floodwater is anticipated to rise during the base flood.

**Building Code:** The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

**Breakaway Wall:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

#### **17.20.060 “E” Definitions**

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**Elevation Certificate:** An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

**Elevated Building:** For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by fill, solid foundation perimeter wall, shear walls, post, piers, pilings, or columns.

**Essential Facility:** This term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

#### **17.20.070 “F” Definitions**

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**Farmhouse:** A single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

## **Flood or Flooding:**

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a) The overflow of inland or tidal waters.
  - b) The unusual and rapid accumulation or runoff of surface waters from any source.
  - c) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in of this definition.

**Flood Elevation Study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

**Flood Insurance Rate Map (FIRM):** The official map of the City of Stanwood, on which the Federal Emergency Management Agency Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the City. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Floodplain or Flood-Prone Area:** ~~A land area adjoining a river, stream, watercourse or pond that is likely to be flooded.~~ Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**Floodplain Administrator:** The community official designated by title to administer and enforce the floodplain management regulations.

**Floodplain Management Regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and

reduction.

**Flood Proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ a designated height. Also referred to as "Regulatory Floodway."

#### **17.20.090 "H" Definitions**

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**Habitat Assessment (For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards):** A written document that describes a project, identifies and analyzes the project's impacts to habitat for species discussed in the "Endangered Species Act – Section 7 Consultation Final Biological Opinion and Magnuson-Stevens Fishery Conservation and Management act Essential Fish Habitat Consultation for the Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document – Puget Sound Region," and provides an Effects Determination.

**Historic Structure:** Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a) By an approved state program as determined by the Secretary of the Interior, or
  - b) Directly by the Secretary of the Interior in states without approved programs.

#### 17.20.140 "M" Definitions

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**Manufactured/~~Mobile~~ Home Park or Subdivision:** ~~A tract of land under single ownership or control upon which six or more mobile/manufactures homes occupied as dwelling may be located.~~ A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level:** For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

#### 17.20.150 "N" Definitions

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**New Construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.

#### 17.20.160 "O" Definitions

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**One-Hundred-Year Flood or 100-Year Flood:** See "Base flood."

#### 17.20.190 "R" Definitions

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**Reasonably Safe from Flooding:** Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A

zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

#### **17.20.200 “S” Definitions**

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**Start of Construction:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Substantial Improvement (For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards):** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

#### **17.20.230 “V” Definitions**

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**Variance (For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards):** A grant of relief by a community from the terms

of a floodplain management regulation.

#### **17.20.240 “W” Definitions**

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**Water Surface Elevation:** The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Water Dependent (For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards):** A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

DRAFT

**Exhibit B  
To Ordinance 1486**

**Amendments to  
Stanwood Municipal Code  
Title 17.120**

**Critical Areas – Frequently Flooded Areas – Specific Standards**

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**Chapter 17.120**

**CRITICAL AREAS – FREQUENTLY FLOODED AREAS – SPECIFIC STANDARDS**

**Sections:**

- 17.120.010 Purpose.**
- 17.120.015 Methods of Reducing Flood Losses**
- 17.120.020 General provisions.**
- 17.120.025 Relationship to general standards for critical areas.**
- 17.120.030 Administration.**
- 17.120.035 Critical area reports – Specific requirements for frequently flooded areas.**
- 17.120.040 Provisions for flood hazard reduction.**
- 17.120.050 Specific standards.**
- 17.120.060 Encroachments.**
- 17.120.070 Prohibited uses.**
- 17.120.080 Variance procedure and appeal process.**
- 17.120.090 Conditions for variances.**

**17.120.010 Purpose.**

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

~~The purpose of these standards is to:~~

- (1) Protect human life and property;
- (2) Minimize the expenditure of public money; ~~and~~
- (3) Minimize the need for rescue and relieve efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;

- (5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- (7) Notify potential buyers that the property is in a Special Flood Hazard Area;
- (8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
- (3 9) Maintain the city's flood insurance eligibility while avoiding regulations which are unnecessarily restrictive or difficult to administer.

#### **17.120.015 Methods of Reducing Flood Losses**

In order to accomplish its purpose, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in the flood heights or velocities;
- (2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwater or may increase flood hazards in other areas.

#### **17.120.020 General provisions.**

- (1) Lands to Which These Standards Apply. These standards shall apply to all areas of special flood hazards within the jurisdiction of the city of Stanwood. All development with Special Flood Hazards areas is subject to the regulations contained within this Chapter and all other state or federal regulations. Special flood hazards may result

from high river flow, alteration of river channels, tsunامي, high tides combined with high winds, sea level rise associated with global warming, and increased runoff due to increased impervious surface area.

(2) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated ~~November 8, 1999~~ June 19, 2020, and any revisions thereto, with accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, is adopted by reference and declared to be a part of this code. The flood insurance study is on file at the City Hall, ~~10220 270th Street N.W., Stanwood, WA 98292.~~

(3) Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these standards and other applicable regulations. Violation of the provisions of these standards by failure to comply with any of their requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000.00 or imprisoned for not more than 90 days or both for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city of Stanwood from taking such other lawful action as is necessary to prevent or remedy any violation.

(4) Abrogation and Greater Restrictions. These standards are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these standards and any other code, easement, covenant, or deed restriction conflict or overlay, whichever imposes the more stringent restrictions shall prevail.

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

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(6) Warning and Disclaimer of Liability. The degree of flood protection required by these standards is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by humanmade or natural causes. These standards do not imply that land outside the areas of special flood hazards, 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 Stanwood, any officer or employee thereof, or the Federal ~~Emergency Management Agency Insurance Administration~~, for any flood damages that result from reliance on them or any administrative decision lawfully made hereunder.

#### **17.120.025 Relationship to general standards for critical areas.**

This chapter contains standards specific to frequently flooded areas, and should be considered in conjunction with the standards in SMC Chapter 17.114 SMC, Critical Areas, General Provisions. Please refer to that chapter for general standards and administration. In the event of a conflict between this chapter and Chapter 17.114 SMC, this chapter shall prevail.

#### **17.120.030 Administration.**

(1) Designation of the Administrator. The ~~planning~~ Community Development Director ~~director~~, or his/~~her~~ designee, is hereby appointed to administer, ~~and implement, and enforce~~ these standards by granting or denying development permit applications in accordance with their provisions. The duties of the ~~planning director~~ Community Development Director shall include, but not be limited to:

(a) Review all development permits to determine that: ~~Permit Review.~~

(i) ~~Review all development permits to determine that~~ The permit requirements of these standards have been satisfied;

(ii) ~~Review all development permits to determine that~~ All necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.

(iii) The site is reasonably safe from flooding;

(iv) Notify FEMA when annexations occur in the Special Flood Hazard Area.

(2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with SMC 17.120.020(2), Basis for Establishing the Areas of Special Flood Hazard, the ~~planning director~~ Community Development Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer SMC 17.120.050, Specific Standards.

(3) Information to Be Obtained and Maintained.

(a) Where base flood elevation data is provided through the flood insurance study or otherwise required, these data shall be obtained and a record made of the

actual (as-built) elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.

(b) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS or FIRM, or as otherwise required:

(i) ~~Verify and record~~ Obtain and maintain the actual elevation (in relation to mean sea level) to which the structure was floodproofed.

(ii) Maintain the floodproofing certifications required in SMC 17.120.030(7)(c).

(c) Maintain for public inspection all records pertaining to the provisions of these standards.

(d) Records of all variance actions, include justification for their issuance.

(e) Improvement and damage calculations.

#### (4) Alteration of Watercourses.

Whenever a watercourse is to be altered or relocated:

(a) Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal ~~Emergency Management Agency Insurance~~ Administrator through appropriate notification means.

(b) ~~Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.~~ Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

(5) Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards. (For example, where there appears to be a conflict between a mapped boundary and actual field conditions.) The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

(6) Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be for all structures, including manufactured homes (as set forth in the definitions of this code), and for all development, including fill and other activities.

(7) Application of Development Permit. Application for a development permit shall be made on forms furnished by the ~~city engineer~~ Community Development Director, who acts as the City's Floodplain Administrator, and may shall include all of the permit submittal requirements of the underlying permit including, but not be limited to: plans ~~in duplicate~~ drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing. ~~Specifically, In addition,~~ the following information is required:

- (a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator;
- (b) Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed;
- (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SMC 17.120.050(2); and
- (d) Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development; and
- ~~(e) Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation; and~~
- (ef) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

#### (8) Changes to Special Flood Hazard Area.

- (a) A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community, or project proponent, shall notify FEMA of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.
- (b) If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

Once a CLOMR has been approved, the project proponent shall follow up with the LOMR application once the project is complete.

#### **17.120.035 Critical area reports – Specific requirements for frequently flooded areas.**

In addition to the general requirements of SMC 17.114.160, critical area reports for frequently flooded areas must meet the requirements of this section.

(1) Prepared by a Qualified Professional. A critical areas report for a frequently flooded area shall be prepared by a qualified professional who is a hydrologist or engineer and who is licensed in the state of Washington with experience in preparing flood hazard assessments.

(2) Area addressed in critical area report:

- (a) The site area of the proposed activity;
- (b) All areas of a special flood hazard area, as indicated on the flood insurance map(s) within 200 feet of the project area; and
- (c) All other flood areas indicated on the flood insurance map(s) within 200 feet of the project area.

(3) Flood Hazard Assessment Required. A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment including the following site- and proposal-related information at a minimum:

- (a) Site and Construction Plans. A copy of the site and construction plans for the development proposal showing:
  - (i) Floodplain (100-year flood elevation), 10- and 50-year flood elevations, floodway, other critical areas, buffers, and shoreline areas;
  - (ii) Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
  - (iii) Clearing limits; and
  - (iv) Elevation of the lowest floor (including basement) of all structures, and the level to which any nonresidential structure has been floodproofed.

## **17.120.040 Provisions for flood hazard reduction.**

In all areas of special flood hazard, the following standards are required to be met:

### **(1) Anchoring.**

(a) All 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.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufacturing Home Installation in Flood Hazard Areas" guidebook for additional techniques).

### **(2) Construction Materials and Methods.**

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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

(d) All structures, utilities and other improvements shall be located on the buildable portion of the site out of the floodplain unless there is no buildable site area out of the floodplain. For sites with no buildable area out of the floodplain, structures shall be placed on the highest land on the site, oriented parallel to flow rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the city detects any evidence of active hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.

(e) Fill and grading within the floodplain shall only occur upon a determination from a qualified professional that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the city has delineated such zones as of the time of the application.

### **(3) Utilities.**

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

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems in flood waters.

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision and Development Proposals.

(a) All development proposals, including subdivisions and manufactured home parks, proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision development proposals, including subdivisions and manufactured home parks, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All subdivision development proposals, including subdivisions and manufactured home parks, shall have adequate drainage provided to reduce exposure to flood damage.

(d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision development proposals, including subdivisions and manufactured home parks, and other proposed developments which contain at least greater than 50 lots or five acres (whichever is the lesser).

(5) Review of Building Permits. Where elevation data is not available either through the flood insurance study, 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 includes use of historic data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these areas may result in higher insurance rates.

(6) Storage of Materials and Equipment.

(a) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

(b) Storage of other materials or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

### 17.120.050 Specific standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SMC 17.120.020(2), Basis for Establishing the Areas of Special Flood Hazard, or SMC 17.120.030(2), Use of Other Base Flood Data, the following provisions are required:

#### (1) Residential Construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor elevated to the base flood elevation plus one foot. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above base flood elevation.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if usable solely for parking, access or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. ~~Other uses that are subject to flooding are prohibited. , or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.~~ Designs for ~~meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.~~ Alternatively, a registered engineer or architect may design and certify engineering openings.

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

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

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.

(iv) A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exit of flood waters.

#### (2) Nonresidential Construction.

(a) New construction and substantial improvement to any commercial, industrial, or other nonresidential structure shall either have the lowest floor elevated to the level

of the base flood elevation plus one foot, or, together with attendant utility and sanitary facilities, shall:

(i) Be dry floodproofed so that below one foot above the base flood level, the structure is watertight, with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certification shall be provided to the ~~planning director~~ Community Development Director as set forth in SMC 17.120.030(3)(b);

(iv) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (1)(b) of this section; and

(v) 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 one foot above the base flood level will be rated as at the base flood level).

### (3) Manufactured Homes.

(a) All manufactured homes to be placed or substantially improved on the following sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to the foundation system to resist flotation, collapse, and lateral movement:

(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; or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.

(b) Manufactured homes to be placed or substantially improved on sites in an

existing manufactured home park or subdivision that are not subject to the above manufactured home provisions must be elevated so that either:

(i) The lowest floor of the manufactured home is elevated one foot or more 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 is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(4) Recreational Vehicles. Recreational vehicles to be placed on sites within zones A1 – A30 and AE on the community's FIRM are required to either:

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

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

(c) Must obtain a development permit and meet the requirements, including elevation and anchoring, for manufactured homes.

~~(5) Areas of Shallow Flooding. Uses in areas of shallow flooding shall adhere to the following standards, in addition to the other requirements of this chapter:—~~

~~(a) Residential Structures. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified in feet on the flood insurance map or at least two feet if no depth number is specified.~~

~~(b) Nonresidential Structures. New construction and substantial improvements of nonresidential structures within AO zones shall either:~~

~~(i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the flood insurance map or at least two feet if no depth number is specified; or~~

~~(ii) Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used,~~

~~compliance shall be certified by a registered professional engineer or architect 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. Following construction of the structure, certifications shall be submitted to the city that record the actual (as-built) elevation to which the structure was floodproofed.~~

~~(c) Drainage Paths. All development shall include adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.~~

~~(d) Recreational Vehicles. Recreational vehicles placed on sites within AO zones on the flood insurance map(s) shall meet the requirements of this chapter.~~

(5) Appurtenant Structures (Detached Garages and Small Storage Structures). Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the base flood elevation, provided the structure is designed and constructed in accordance with the following requirements:

- (a) Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
- (b) The portions of the appurtenant structure located below the base flood elevation must be built using flood resistant materials;
- (c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
- (d) Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;
- (e) The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with SMC 17.120.050(1)(b).
- (f) The structure shall have low damage potential,
- (g) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and
- (h) The structure shall not be used for human habitation.
- (i) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in SMC 17.120.050(1).

- (i) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

(6) Requirements for all crawlspace construction. All crawlspaces that have enclosed areas or floors below the Base Flood Elevation must be:

- (a) Designed and adequately anchored to resist flotation, collapse and later movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Have openings that allow for the automatic entry and exit of floodwaters. The bottom of the flood opening can be no more than 1 foot above the lowest adjacent exterior grade and meet the requirements in [local section discussing flood openings];
- (c) Constructed with materials resistant to flood damage, including foundation walls, joists, insulation or other materials that will be below BFE;
- (d) Located in areas where flood velocities do not exceed 5 feet per second; and
- (e) Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate with the system components during flood conditions.
- (f) In addition to the above requirements, below-grade crawlspaces must be constructed so that:
  - i. The interior grade of the crawlspace below the BFE is not more than 2 feet below the lowest adjacent exterior grade;
  - ii. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, does not exceed 4 feet at any point;
  - iii. An adequate drainage system to remove floodwaters from the interior area of the crawlspace is installed.

#### **17.120.060 Encroachments.**

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

#### **17.120.070 Prohibited uses.**

Uses and activities prohibited from frequently flooded areas:

(1) Critical facilities are prohibited from frequently flooded areas to prevent damage to such facilities, to avoid costs that will be incurred by the public, and to maintain functionality of such facilities during flood events. If such a prohibition is unreasonable, an allowance for critical facilities in frequently flooded areas can be made with the following specific conditions:

- (a) Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available.
- (b) Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year flood).
- (c) Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters.
- (d) Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

~~(2) Wells used for potable water are prohibited from the floodway.~~

~~(3) On-site sewage disposal systems are prohibited from the floodway, the channel migration zone, and the 10-year floodplain elevation.~~

#### **17.120.080 Variance procedure and appeal process.**

(1) Variances from these regulations and appeals shall be heard as provided by the land use process table, SMC ~~17.80.130~~ SMC 17.81A-I: Classification of Permits and Decisions.

(2) In reviewing such applications for variances, the city shall consider all technical evaluations, all relevant factors, criteria specified in other sections of these standards, including criteria in SMC ~~17.114.190~~ 200, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity that the facility have a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use that are not subject to the flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the city's Comprehensive Plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

#### **17.120.090 Conditions for variances.**

(1) Variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing laws or ordinances. Unavoidable impacts to floodplain functions and values shall be mitigated in accordance with SMC 17.114.180(4), Mitigation Sequencing.

(2) Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. ~~listed on the National Register of Historic Places, the State Inventory of Historic Places, or for structures determined to be historically significant by the Stanwood Area Historical Society without regard to the procedures set forth in this chapter.~~

~~(3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by

lots with existing structures constructed below the BFE, provided the procedures of SMC 17.120.030, Administration and SMC 17.120.040, Provisions for Flood Hazard Reduction of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(5) Variances, as interpreted in the National Flood Insurance Program, are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure or its inhabitants' economical or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevation should be quite rare.

(6) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, except subsection (1) of this section, and otherwise complies with SMC 17.120.040(1) through (3).

(7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that: ~~the cost of flood insurance will be commensurate with the increased rise resulting from the reduced lowest floor elevation.~~

(a) The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

(b) Such construction below the BFE increases risks to life and property.

(8) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

**Exhibit C  
To Ordinance 1486  
Findings of Fact and Conclusions**



City of Stanwood, Washington  
Findings of Fact and Conclusions of Law

Stanwood City Council

**A. GENERAL INFORMATION**

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File Number(s): Code Amendment 2020-0040

Project Summary: Amendments to the City's Floodplain Regulations

Applicant: City of Stanwood

Location: The code amendment applies city wide.

Staff Contact: Patricia Love, Community Development Director

**B. BACKGROUND AND DESCRIPTION OF PROPOSAL**

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The City of Stanwood is impacted by periodic flooding resulting from large storm events combined with high tides. Due to the topographic nature of the City, all of west Stanwood lies in the 100-year floodplain. This area generally includes land to the west of the railroad tracks and a small area west of Pioneer Highway just east of the railroad tracks. A 100 year flood area is defined as those lands that are subject to a one percent or greater chance of flooding in any one year.

For the City to maintain its eligibility to participate in the National Flood Insurance Program (NFIP) the City must maintain updated floodplain maps and regulations consistent with NFIP standards. If the City does not adopt the most current floodplain maps and regulations, its residents would not be able to obtain flood insurance or other grant assistance through the NFIP.

On December 19, 2019 the City received notice that the Federal Emergency Management Agency (FEMA) updated the Snohomish County flood hazard determination maps. The city must adopt the most current flood hazard map revision as well as associated development regulations by June 19, 2020. Ordinance 1486 does hereby adopt the June 2020 Flood Insurance Rate Map (FIRM) and associated development regulations

consistent with federal regulations.

## **C. COMPLIANCE WITH THE COMPREHENSIVE PLAN**

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Stanwood's Comprehensive Plan envisions a strong community that balances the needs of residents and business; protects the environment; encourages economic development and preservation of the City's small town rural character.

### **Natural Features Goals and Policies:**

Goal NFG -1: To achieve a well-balanced relationship between the built and natural environments utilizing guidance derived from best available science.

Policy NFG – 1.6: Promote appropriate uses and design techniques to minimize the risk to human life, property, and public facilities in geologically hazardous and frequently flooded areas.

Policy NFG – 1.7: Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat and the overall net loss of wetlands, frequently flooded areas and habitat conservation areas.

The State of Washington identified Snohomish County as a priority for FEMA's Risk MAP program. The State determines its priorities based on population at risk to hazards, recent events, and community interest.

FEMA has been working with team of scientist to develop new floodplain maps since 2011. Using *Best Available Science*, new risk maps were created showing the location of properties relative to special flood hazards. Adopting updated floodplain regulations is consistent with the comprehensive plan and city policy to be a participating community in the National Flood Insurance Program.

## **D. FINDINGS OF FACT**

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1. Close to 300 towns, cities, counties, and tribes within the State of Washington participate in the National Flood Insurance Program (NFIP).
2. Flood zones are land areas identified by the Federal Emergency Management Agency (FEMA). Each flood zone describes that land area in terms of its risk of flooding for floodplain management and insurance purposes.
3. The City of Stanwood is impacted by periodic flooding resulting from large storm events combined with high tides.

4. Due to the topographic nature of the City, all of west Stanwood lies in the 100-year floodplain, identified as the AE zone. This area generally includes land to the west of the railroad tracks and a small area west of Pioneer Highway just east of the railroad tracks.
5. A 100 year flood area is defined as those lands that are subject to a one percent or greater chance of flooding in any one year.
6. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
7. As a condition of participation in the NFIP, the City of Stanwood is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP.
8. Adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for local residents.
9. The City first adopted floodplain regulations in 1995 (Ordinance 929) with major amendments in 2000 (Ordinance 1089), 2004 (Ordinance 1164) and 2009 (Ordinance 1250).
10. The Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated draft model ordinance that includes all the minimum standards required as a condition of participation in the NFIP.
11. In order to maintain participation in the NFIP and allow Stanwood residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards.
12. If Stanwood participates in the NFIP, residents can purchase flood insurance to cover the contents of their home or business.
13. The city desires to amend Stanwood Municipal Code Chapter 17.120, Frequently Flooded Areas, to adopt state and federal regulations relating to special flood hazards.
14. Ordinance 1486 includes both major and minor amendments to Chapter 17.120, Critical Areas – Flood Hazard Areas to be consistent with the FEMA / Department of Ecology model ordinance. Changes include:

- a) Updated definitions related to floodplains;
  - b) Expanded Purpose section regarding minimizing damage and notifying potential purchasers;
  - c) Added a new section regarding Methods of Reducing Flood Loss;
  - d) Adopting the 2020 FIRM map;
  - e) Identifies penalties for non-compliance
  - f) Adopts new regulations for: storage of materials and equipment in floodplains; construction of detached garages, storage structures and other development regulations such as anchoring of buildings, use of flood resistant materials, constructing above the base flood elevation; and
  - g) Minor textual amendments to be consistent with the FEMA / DOE model ordinance.
14. A section by section summary of the changes to Stanwood Municipal Code Chapter 17.120, Critical Areas – Frequently Flooded Areas was prepared and included in the public record presented to the Planning Commission and City Council.
  15. The City of Stanwood SEPA Responsible Official has reviewed the amendments proposed to SMC Chapter 17.120, Frequently Flooded Areas, and issued a Determination of Non-Significance on [DATE].
  16. The Stanwood Planning Commission reviewed the draft ordinance at their February 10 and May 11, 2020 meetings and has recommended that the City Council adopt the ordinance as presented.
  17. The City Council Community Development Committee reviewed the proposed language and amendments set forth in this Ordinance at their February 27 and April 23, 2020, meeting<sup>3</sup>.
  18. The City Council held their first, second and final reading of the draft code amendment on \_\_\_\_\_, 2020 and accepted public comment.
  19. Pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to Title 17.120 Frequently Flooded Areas.

## **E. CONCLUSIONS OF LAW**

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1. The City Council of Stanwood has authority under RCW Title 35A, to adopt plans and regulations related to development and operations within the City of Stanwood.
2. Adopting updated floodplain regulations is consistent with the comprehensive plan and city policy to be a participating community in the National Flood Insurance Program.

3. The City Council has determined that it is in the best interest of the City to adopt floodplain regulations consistent with Federal and State law in order to maintain eligibility in the national Flood Insurance Program.
4. After considering staff comments and public testimony the Stanwood City Council determined the draft code amendment is consistent with the Comprehensive Plan and should be adopted.

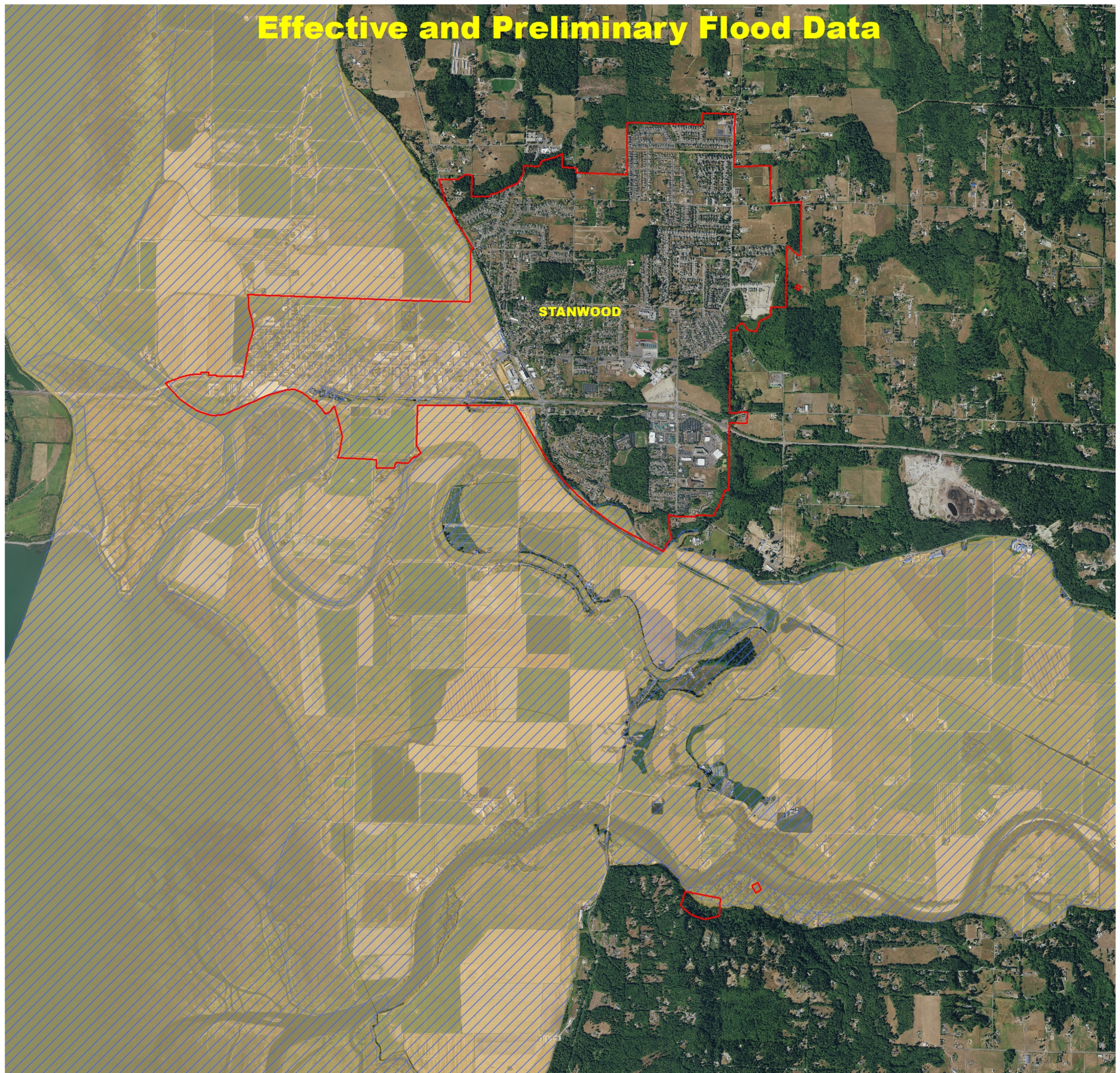
Now therefore the City Council of the City of Stanwood hereby **ADOPTS** the Findings of Fact and Conclusions of Law contained herein.

Dated this \_\_\_\_ date of \_\_\_\_ 2020.

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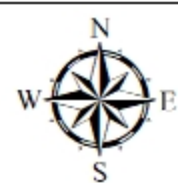
Leonard Kelley, Mayor  
City of Stanwood

# Effective and Preliminary Flood Data



**STANWOOD**

0 0.25 0.5 0.75 Miles



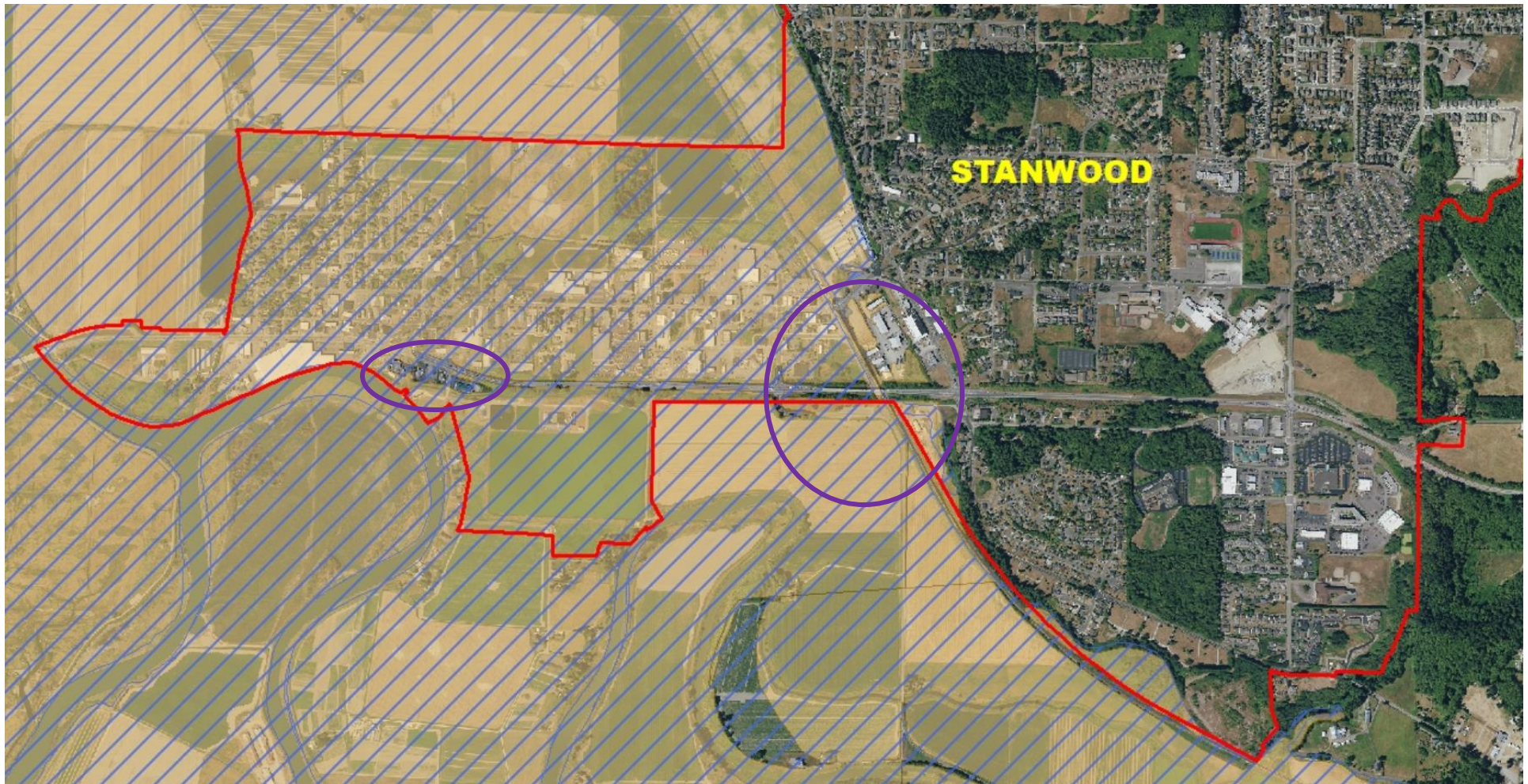
 Effective Flood Data

 Preliminary Flood Data

Snohomish County disclaims any warranty of merchantability or warranty of fitness of this data (or map) for any particular purpose, either express or implied. No representation or warranty is made concerning the accuracy, currency, completeness or quality of data depicted. Any user of this data (or map) assumes all responsibility for use thereof, and further agrees to hold Snohomish County harmless from and against any damage, loss, or liability arising from any use of this data (or map).



**Snohomish County**



**Effective Flood Data**

The hatched Effective Flood Data shown on the map represents the current Floodplain area.



**Preliminary Flood Data**

The tan shaded Preliminary Flood Data shown on the map represents the proposed Floodplain area.

Major Changes to the Floodplain within the City Limits and located on the map in the purple circles:

- The Commercial area south of SR 532 and north of Hamilton Park has been removed.
- The north and south side of SR 532 east of 88<sup>th</sup> Avenue has been removed.
- Areas around the industrial buildings and veterinary office, east of the railroad tracks and east of the 271<sup>st</sup> Street and Florence Road intersection.
- Area east of the railroad tracks by Forest Land Services, west of the SR 532 and Pioneer Highway intersection.