PLANNING & DEVELOPMENT SERVICES

GARY R. CHRISTENSEN, AICP, DIRECTOR

TIM DEVRIES, BUILDING OFFICIAL &FLOODPLAIN MANAGER

Memorandum

To: Planning Commission & Interested Parties

From: Tim DeVries, Building Official & Floodplain Manager

Date: March 7, 2012

Re: Staff Report on Amendment to SCC 14.34.150(8)(c), Flood Damage Prevention Ordinance

Background

Floodplain development regulations help protect life and property from flood damage and are required as a condition of participation in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP). The Community Rating System (CRS) is a voluntary incentive program within the NFIP that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. When jurisdictions participate in the CRS program, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS:

1. Reduce flood losses;
2. Facilitate accurate insurance rating; and
3. Promote the awareness of flood insurance.

A community is assigned a rating depending on the number of actions taken meeting the CRS goals. Skagit County has a CRS rating of 4 which provides a 30% reduction of standard flood insurance rates for residents of unincorporated Skagit County. In order to maintain the County's Level 4 CRS rating, Skagit County must implement a minor amendment to its floodplain development regulations by March 30, 2012, which would ensure construction of mechanical duct work at least one foot above the base flood elevation, or alternatively to ensure it is located to prevent water from entering during conditions of flooding. The current standard states only that the duct work be constructed "above base flood elevation."

Public Participation

A Notice of Availability, SEPA Determination of Non-significance, and Notice of Planning Commission hearing was published in the Skagit Valley Herald on March 8, 2012. A copy of the proposed amendment and SEPA documents will be made available at the Planning and Development Services (the Department) office at 1800 Continental Place, Mount Vernon, WA 98273, on Friday March 9, 2012, and on the website the same day.

Pursuant to RCW 36.70A.106(3)(b), the Department sent a notice of proposed adoption to the Washington State Department of Commerce and requested expedited review on March 6, 2012. The Department also sent the Department of Ecology copies of the SEPA checklist and Determination of Nonsignificance on March 6, 2012. The SEPA threshold determination was sent to tribes, governments, and other interested parties on March 8, 2012.

A Planning Commission information session was held on March 6, 2012, and a public hearing is scheduled for April 3, 2012. Public comments on the proposal will be received through Friday, March 30, 2012, and also at the April 3 public hearing.

Interim Ordinance

The Department will present an interim ordinance to the Board of County Commissioners (Board) for adoption pursuant to RCW 36.70A.390 and RCW 36.70.795, in advance of the Planning Commission hearing, but after the expiration of the SEPA comment period—most likely the week of March 26. Adoption of the interim ordinance would implement the amendment to SCC 14.34.150(8)(c) on an interim basis while the permanent amendment goes through the public process. The Board's action is necessary to ensure that the amendment is adopted prior to March 30, 2012, the deadline imposed by FEMA to maintain the CRS Level 4 rating. A public hearing before the Board will be scheduled within 60 days of adoption of an interim ordinance, consistent with state law. If the proposed amendment is permanently adopted before the Board public hearing, the hearing will be canceled as moot.

Proposed Amendment

If adopted, the Flood Damage Prevention Ordinance section SCC 14.34.150(8)(c) will be amended to read as follows (amendment shown in underline):**.**

(8) Construction Materials and Methods.

(a) Where construction occurs below the BFE, all new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage including, but not limited to, studs and wall plates, wall sheathing, insulation, interior wall finishes, exterior wall finishes or siding, etc.

(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 to a level of 1 foot above base flood elevation or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Ducts that serve mechanical equipment shall be elevated and located so that the entire duct is at least one foot above the base flood elevation or located so as to prevent water from entering or accumulating within the ducts during conditions of flooding.

(d) Buildings utilizing crawl space construction, where any portion of the crawl space is below the grade on all sides, shall meet the following requirements as excerpted from FEMA Technical Bulletin 11-01, which is hereby adopted by reference:

(i) Crawl space construction is not permitted in V zones.

(ii) Crawl space construction is not permitted in zones A0 and A1-A30 where velocities exceed 5 feet per second, unless it can be shown through engineering analysis that the structural components will resist flotation, collapse and lateral movement from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(iii) The interior grade of a crawl space must not be more than 2 feet below the lowest adjacent exterior grade.

(iv) The height of the crawl space, measured from the interior grade of the crawl space to the top of the foundation wall must not exceed 4 feet at any point. The height measured from the crawl space grade to the top of the next higher floor shall not exceed 5 feet at any point.

(v) There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space, within a reasonable time, after a flood event.