



Planning & Development Services

1800 Continental Place ▪ Mount Vernon, Washington 98273
office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

Memorandum

To: Skagit County Board of County Commissioners

From: Hal Hart, Michael Cerbone, and Peter Gill

Re: Planning Commission's Recorded Motion on the Flood Damage Prevention Code Changes

Date: September 9, 2020

Summary

The purpose of the Flood Damage Prevention code is to protect the public health, safety and welfare in those areas subject to periodic inundation due to flooding, and to minimize losses due to flood conditions. The proposed changes follow a Community Assistance Visit that Ecology conducted with Skagit County in order to assess the County's compliance with the floodplain management minimum criteria of the National Flood Insurance Program. The Planning Commission's recommendation is supported by Planning and Development Services.

Background

On October 29, 2013, the Department received a list of 11 requested code amendments from the Washington State Department of Ecology (Ecology) for the chapters: Definitions, SCC 14.04 and Flood Damage Prevention, SCC 14.34. These requests were in follow up to a Community Assistance Visit that Ecology conducted with Skagit County in order to assess the County's compliance with the floodplain management minimum criteria of the National Flood Insurance Program as administered by the Federal Emergency Management Agency (FEMA).

An additional change proposed by the Skagit County Floodplain Manager to the Coastal Zone A will provide consistency with the International building Code. This proposed change to SCC 14.34.210 references the International Residential Code for applicants building within the Coastal A zone. The flood hazards in this zone are associated with high velocity waters and tidal surges. Existing building standards in the 2015 International Residential Code currently reflects this. **Attachment A** includes the full list of requested changes, including changes recommended by the Planning Commission.

Skagit County Planning & Development Services (PDS) analyzed the proposal under the State Environmental Policy Act (SEPA) and for consistency with the existing comprehensive plan, the adopted land use/zoning map, and the unified development regulations. A full proposal was released for public review and comment on July 3, 2020. A virtual public hearing was held with the Skagit County Planning Commission on July 21, 2020. Comments were received by a citizen and the Skagit River System Cooperative.

The Planning Commission's recorded motion was adopted on August 18, 2020. The Planning and Development Staff Report, public noticing documents, public comments, and presentations are available to view on the County's project webpage:

<https://www.skagitcounty.net/Departments/PlanningAndPermit/2020Flood.htm>

PDS is providing this memo in advance of the Board meeting to provide background on the processing of the code amendments, present a summary of the Planning Commission's recorded motion, and to meet our obligation to submit the recommendation to the Board within fourteen days of the Chairperson's signature¹. A list of potential actions is included at the end of this memo.

Summary of Planning Commission's Recorded Motion

The Planning Commission recommends that the Board of County Commissioners approve the proposal with changes. The motion carried 9-0. The Planning Commission proposal adds a cleaned up definition for Substantial Improvement and an exception to the well prohibition in the floodway when consistent with Washington State statutes. The changes are supported by the Department. The complete set of Planning Commission recommendations, findings of fact, and reasons for action are included as **Attachment B** of this memo.

Requested Board Action

Planning and Development Services is providing this memo and attachments to meet our obligation to submit the Planning Commission recorded motion to the Board within fourteen days of the Chairperson's signature. A meeting date to present the amendment is not set at this time. The Department will prepare an ordinance and schedule a meeting for Board deliberation in September.

¹ SCC 14.08.080(8)

Attachment A

Attachment B

Skagit County Planning Commission's Recorded Motion Regarding the Flood Damage Prevention Code Amendments

Public notice date:	July 3, 2020
Proposal name:	Flood Damage Prevention Code Amendments
Documents available at:	https://www.skagitcounty.net/Departments/PlanningAndPermit/communplan.htm
Public hearing body:	Skagit County Planning Commission
Public hearing date:	Tuesday, July 21, 2020, at 6 p.m.
Written comment deadline:	Friday, July 24, 2020
PC deliberations:	Tuesday, August 18, 2020

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

Findings of Fact and Reasons for Action

1. In order to participate in the National Flood Insurance Program, communities are required to be fully compliant to the programs' minimum standards for floodplain management and Community Assistance Visits.
2. On October 29, 2013, the Department received a list of 11 code amendments flood code amendments from the Washington State Department of Ecology.
3. The purpose of the code amendments is to remain compliant with the FEMA's floodplain management minimum criteria and continue Skagit County participation in the National Flood Insurance Program.
4. If a community fails to remedy the noncompliance, FEMA can take the action under 44 CFR 59.24. Noncompliance action can include suspension of Community Eligibility and suspend communities from participating in the National Flood Insurance Program.
5. The proposed amendments to Skagit County Code 14.04 and 14.34 make Skagit County code consistent with State flood rules and regulations.
6. Amendments to building standards within the Coastal A zone provide consistency with International Residential Code standards that are already enforced.
7. On February 24, 2020 the 60-day Notice of Intent to adopt an amendment was submitted to the Department of Commerce as required under RCW 36.70A.106. This submittal is supplemented by additional materials on July 6, 2020.
8. A SEPA Determination of Non-Significance was issued on June 29, 2020, finding that this non-project proposal does not have a probable significant adverse impact on the environment.

Recommendation

The Planning Commission recommends that the Board of County Commissioners **approve** the proposal with the following changes:

1. Skagit County should pursue additional educational materials and outreach for map amendments on individual properties where the FEMA flood maps may be in error.
2. Modify the definition to Substantial Improvement to remove duplication and clarify the timeline of improvements.
3. Add an exception to the prohibition of wells in the Floodway that is consistent with State RCW 86.16.041.
4. Move the severability clause to the end of Chapter 14.34.

This recorded motion approved August 18, 2020:

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	✓			
Kathy Mitchell, Vice Chair	✓			
Tammy Candler	✓			
Mark Lundsten	✓			
Ann Marie Lohman	✓			
Amy Hughes	✓			
Martha Rose	✓			
Joe Woodmansee	✓			
Joseph Shea	✓			
Total	9	0	0	0

SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON



Tim Raschko, Chair

8-27-2020
Date



Hal Hart, Secretary

8-18-2020
Date