



FEDERAL EMERGENCY MANAGEMENT AGENCY  
Region X Federal Regional Center Bothell, Washington 98011

JUL 8 1981

Mr. Art Day  
First Northwest Equities Inc.  
10909 N.E. 4th  
Bellevue, Washington 98004

Dear Mr. Day:

This letter will varify statements that I made to you regarding restrictions on development in floodways. These land use restrictions are the minimum criteria contained in the regulations of the National Flood Insurance Program (NFIP). Local communities participating in the program can, and sometimes do, adopt ordinance provisions that are more restrictive than those I am prepared to interpret in this letter. However, I have no reason to believe that Burlington intends to be more restrictive.

The NFIP regulations establish performance criteria for community adopted and regulated floodways. That criteria states that when the remaining floodplain areas are fully developed, the floodway including the river channel, will allow the base flood (100 year exceedance frequency) to be discharged without creating more than one foot of additional flood depth at any location.

Under agreement with this agency, the Corps of Engineers has established a floodway for the Skagit River from Sedro Woolley upstream. However, the Skagit Delta has a much broader range of alignments that will satisfy our criteria. We are working with local interests on selection of a preferred floodway alignment for the Skagit Delta including Burlington. At this time I cannot speculate whether the property you have interest in will eventually be in the floodway. However, if it becomes zoned with that designation, the City will be obligated to prohibit any development that would cause any increase in the depth of flooding caused by the base flood.

I interpret that restriction to allow only buildings on pier foundations with the lowest horizontal member at least one foot above the local elevation of the base flood. Elevator shafts and stairways would need to be open and access roads and parking areas would be required to have finished grades sufficiently below existing grade to compensate for the loss of hydraulic efficiency caused by the foundation and stairways. Landscaping using artificial mounds or planting beds above existing grade would not be permitted.

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If the property is developed prior to the designation of a floodway in Burlington, the City will be obligated to obtain data showing that the cumulative effect of the development, when combined with all other existing and anticipated development, will not increase the depth of the base flood more than one foot at any location. This is very difficult to meet without expensive hydraulic analysis. The only practical way I could suggest approaching the problem would be to construct the buildings in a manner similar to that described above. Such a building practice would permit a competent hydraulic engineer to certify that the National Flood Insurance Program regulations were satisfied.

I hope this interpretation of our regulations has been helpful.

Sincerely,

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Wes Edens, Director of Engineering  
Insurance & Mitigation Division

*cc: 2.17 Special*