



TELEPHONE (206) 336-2188  
120 W. KINCAID, COURT HOUSE ANNEX II  
MOUNT VERNON, WASHINGTON 98273

ROBERT C. SCHOFIELD  
DIRECTOR

DAVID C. HO  
ZONING ADMINIS

## MEMORANDUM

May 31, 1978

TO: Real Estate Salespersons, Developers, Builder's and other people interested in land use regulations in Skagit County.

FROM: Paul R. Shelver, Zoning Administrator  
Skagit County Planning Department *PS*

RE: Skagit County Flood Damage Prevention Ordinance Guidelines

The Skagit County Commissioners adopted on May 23, 1978, the new Flood Damage Prevention Ordinance. This new ordinance replaces the floodplain section of the Interim Zoning Ordinance No. 4081.

The Flood Damage Prevention Ordinance shall apply to all areas of Skagit County subject to flooding by rivers, creeks, wind and wave action of Puget Sound, in other words, all areas identified as being areas of special flood hazards as mapped on the Flood Hazard Boundary Map.

This map is subject to correction and change where inaccuracies occur, no map is perfect.

I have prepared application forms for variances as specified in Section 4.4. At the present time these will be heard at the regularly scheduled Board of Adjustment public hearings.

The following guidelines shall be followed on all buildings located in areas of special flood hazards.

P004483

1. A certified benchmark shall be located within 200 feet of a proposed structures in the flood plain area prior to issuance of a building permit.

"Certified benchmark" means as established by a registered land surveyor or registered civil engineer.

We have forms attached to our flood damage prevention permits for the surveyor or engineer to describe the benchmark and place for his signature. This shall be done prior to the issuance of a building permit.

2. New residence construction and substantial improvement of any residential structure shall have the lowest habitable floor elevated to or above 100 year floodplain elevation.

"Habitable Floor", means any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor". Construction components used below the 100 year floodplain elevation shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. Nonresidential Construction - New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest habitable floor elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- 1) be floodproofed so that below the 100 year floodplain elevation, the structure is watertight with walls substantially impermeable to the passage of water; or
- 2) the structure be constructed in a manner that the structure will not be effected by floodwater raising to the 100 year floodplain elevation, including:
  - (a) wall and floor construction impervious to water damage.
  - (b) permanent equipment (compressors, furnaces, refrigeration units, electrical panels) shall be located above the 100 year floodplain elevation.
  - (c) all insured items (under the Federal Insurance Program coverage) are to be stored above the 100 year floodplain elevation.

4. Accessory Buildings Construction of garages, sheds, farm buildings, such as barns, chicken houses, loafing sheds, etc., are not required to be floodproofed or raised to the 100 year floodplain elevation provided:



- 1) there is no habitable area contained within the building.
- 2) there are no finished surfaces below the 100 year floodplain elevation.
- 3) the structure is anchored to prevent floatation, collapse, or lateral movement of the structure.

The above guidelines are the same as stated February 9, 1978, except for a few small minor changes to update terminology.

The following guidelines reflect the changes made by the new Flood Damage Prevention Ordinance.

5. **"SUBSTANTIAL IMPROVEMENT"** means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state of local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

The above definition is located in Section 2.0.

The words "any repair, reconstruction, or improvement" do not include the expansion of a structure.

The construction of an addition onto an existing structure where the square footage of the structure and the land covered by the structure is increased, shall be classified as new construction and as substantial improvement, irregardless of cost of construction.

The repair, reconstruction, or improvement of a structure, the cost of which is less than 50 percent of the market value of the structure, can be done without the elevation of the habitable floor to or above the 100

6. The "development permit" referred to in Section 1 is the flood Damage Prevention Permit as referred to in guidelines No. 1 above.
7. The variance procedures as specified in Section 4.4 will be followed as soon as suitable application forms are developed and printed for usage by applicants. The Board of Adjustment, or Hearing Examiner will use the criteria specified in Sections 4.4-1 (4) (i) through (xi), and 4.4-2 (1) through (4).
8. An applicant to whom a variance is granted shall be required to sign a written notice that any structure which has received approval to be built with the lowest habitable floor elevation below the base flood elevation, that the cost of flood insurance will be commensurate with the increase risk resulting from not having that floor elevation at or above the 100 year floodplain elevation.
9. In addition to the statement as specified in guideline 8 above, the applicant to whom a variance is granted shall sign a statement releasing Skagit County from any liability for any damages to his property as a result of the variance having been granted.
10. The general standards as specified in Section 5.0 shall be followed with the special exception of 5.1-3 (3) which states "On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding."

This statement has not been explained by the Federal Insurance Administration and is under study by them to determine if it can be worked out to be a usable standard.

In the meantime, due to its being a direct contradiction to what inhabitants of the floodplain are well aware, it shall not be enforced in the Skagit County Floodplain areas.

11. The anchoring requirement of 5.1-1 shall be closely followed. A note of importance here, as specified in Section 5.2-3 (3) No mobile home shall be placed in a floodway except in existing mobile home parks or existing mobile home subdivisions.
12. The building plans of all structures to be located within special flood hazard areas of Skagit County, shall be verified to be in compliance with Section 5.1-2.
13. The administration of this ordinance shall follow the procedures as set forth in the above guidelines and as specified in the Flood Damage Prevention Ordinance.

In situations where data is not available, a reasonable solution shall be obtained through the use of historical records, high water marks, study of the topography and other applicable information.

More guidelines or explanations may be developed in the future, if problems arise, but these would be published and sent to the people on our mailing list as dealing with developments in Skagit County.