

**SKAGIT COUNTY**  
**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**  
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Director

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May 10, 1993

MEMO

TO: DAVE BROOKINGS  
SKAGIT COUNTY FLOOD CONTROL ENGINEER

FROM: DAVID HOUGH *DWH*

RE: 1993 FLOOD CONTROL PROJECTS

As we have discussed, all flood control projects must be submitted for review by the Permit Center and our department. Issues that must be resolved are:

- Shorelines substantial development permit
- Compliance with Flood Damage Prevention Ordinance
- Fill & grade permit
- Compliance with SEPA

It should be noted that an Engineer's report will be necessary on each project as required by the Flood Damage Prevention Ordinance. Project design could substantially reduce the amount of work required by the proponent's engineer. Specific issues that come to mind are, disposal of excess materials and height of new levee.

We have enclosed copies of much of the material necessary to process an application. If you have any questions, please feel free to call me or any of my staff.

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## SKAGIT COUNTY FILL AND GRADING APPLICATION CHECKLIST

A Fill and Grading Permit is necessary whenever fill or grading is being done in Skagit County according to Appendix Chapter 70 of the Uniform Building Code. The purpose of this regulation is for control of drainage and for protection of private and public property.

The following information will be required for all fill and grade applications. The applicant should utilize the checklist to determine that the application is complete and should remember that the checklist outlines the minimum amount of information needed for review. Additional information that may assist County review could substantially reduce that amount of time it takes to review the application.

### ALL FILL AND GRADE APPLICATIONS

- \_\_\_\_\_ Completed application form
- \_\_\_\_\_ 2 copies of Site plan including dimensions of area to be graded and/or filled together with existing drainage and proposed erosion and sedimentation control and drainage improvements during and after construction.
- \_\_\_\_\_ Typical cross-section showing original and proposed grade.
- \_\_\_\_\_ If the site is located within a designated floodway or floodplain, the project may require an engineering analysis to determine impact on flood flows (water displacement).

### APPLICATIONS EXCEEDING 500 CUBIC YARDS

- \_\_\_\_\_ SEPA Checklist
- \_\_\_\_\_ Wetlands Reconnaissance conducted by a qualified wetlands consultant. Note: If any of the project is located in or near a wetland, it will be necessary to conduct a wetland delineation of the site.
- \_\_\_\_\_ Drainage Study and erosion/sedimentation control plan prepared by a licensed engineer may be required by the Department of Public Works or Planning and Community Development.

SKAGIT COUNTY  
GRADING PERMIT APPLICATION  
(206) 336-9410

OWNER: \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

CONTRACTOR \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

SITE ADDRESS AND DIRECTIONS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ASSESSOR ACCOUNT NO. \_\_\_\_\_ SECTION \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_

SHORT PLAT/PLAT NAME, NUMBER AND LOT NO. \_\_\_\_\_

EXISTING USE OF THE SITE \_\_\_\_\_

INTENDED USE OF THE SITE \_\_\_\_\_

REASONS FOR GRADING \_\_\_\_\_

\_\_\_\_\_

IS PROPERTY WITHIN 200 FT. OF THE SHORELINE? \_\_\_\_\_

FILL \_\_\_\_\_ CUBIC YARDS EXCAVATION \_\_\_\_\_ CUBIC YARDS

\_\_\_\_\_

For office use only

Plans \_\_\_\_\_ Drainage \_\_\_\_\_ Bldg Off \_\_\_\_\_

Zoning \_\_\_\_\_ Floodplain \_\_\_\_\_ Fire Mshl \_\_\_\_\_

Special Conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

REQUIRED INSPECTIONS: NOTIFICATION OF START OF WORK  
NOTIFICATION OF COMPLETION OF PROJECT

INSPECTION NUMBER: 336-9306

F&G.APP 5/2/91

Approved to issue \_\_\_\_\_ date \_\_\_\_\_

# FLOOD DAMAGE PREVENTION ORDINANCE

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ORDINANCE NO. 11888

AN ORDINANCE AMENDING CHAPTER 15.20 OF THE SKAGIT COUNTY CODE (FLOOD DAMAGE PREVENTION ORDINANCE), TO INCORPORATE NEW STATE REGULATIONS THAT WERE APPROVED JUNE 3, 1988 UNDER WAC 173-158.

WHEREAS, the Skagit County Planning Commission held a public hearing on November 14, 1988 to consider modification of Chapter 15.20 of the Skagit County Code (Flood Damage Prevention Ordinance) to incorporate new State Regulations that were approved on June 3, 1988 under WAC 173-158, and:

WHEREAS, the Planning Commission considered all testimony and exhibits filed recommended that Chapter 15.20 of the Skagit County Code (Flood Damage Prevention Ordinance) be amended to incorporate the new State Regulations, as indicated by the attached Recorded Motion, and:

WHEREAS, the Skagit County Board of County Commissioners held a public meeting on December 5, 1988 to review the Planning Commission recommendation and to deliberate on the action to be taken.

NOW THEREFORE BE IT RESOLVED, that the Skagit County Board of County Commissioners hereby approve and adopts the amended Chapter 15.20 (Flood Damage Prevention Ordinance) of the Skagit County Code. Chapter 15.20 of the Skagit County Code (Flood Damage Prevention Ordinance) is hereby amended to read as follows:

TITLE 15

CHAPTER 15.20

FLOOD DAMAGE PREVENTION ORDINANCE

15.20.010 Statutory Authorization.

The Legislature of the State of Washington has in RCW Chapter 36.70 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County of Skagit, State of Washington, does ordain the provisions set forth in this Chapter.

15.20.020 Findings of Fact.

- (1) The flood hazard areas of Skagit County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of

15.20.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter, R.C.W. Chapter 86.16 and WAC 173-158.

15.20.090 Abrogation and Greater Restrictions.

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.20.100 Interpretation.

In the interpretation and application of this Chapter, all provisions shall be:

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

15.20.110 Warning and Disclaimer of Liability.

The degree of flood protection required by this Chapter 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 manmade or natural causes. This Chapter does 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. This Chapter shall not create liability on the part of Skagit County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

15.20.120 Development Permit - Required - Application.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.20.070. The permit shall be for all structures including manufactured homes, as set forth in Section 15.20.050, and for all other development including fill and other activities, also as set forth in Section 15.20.050. Application for a development permit shall be made on forms furnished by the Director of Planning and Community Development or his designee and may include, 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, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest habitable floor of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Verification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection (2) of Section 15.20.190;
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

15.20.130 Director of Planning and Community Development or Designee - Administration.

The Director of Planning and Community Development or his designee is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

15.20.140 Director of Planning and Community Development - Duties.

- (1) Duties of the Director of Planning and Community Development or his designee shall include, but not be limited to:
  - (a) Reviewing all development permits to determine that the permit requirements of this Chapter have been satisfied;
  - (b) Reviewing all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
  - (c) Reviewing all development permits to determine if the proposed development is located in the floodway and if located in the floodway, assuring that the encroachment provisions of subsection (1) of Section 15.20.200 are met.
- (2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.20.070, the Director of Planning and Community Development or his designee shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer subsection (1) of Section 15.20.190, subsection (2) of Section 15.20.190, subsection (1) of Section 15.20.197, and Section 15.20.200.
- (3) Information to be Obtained and Maintained. The Director of Planning and Community Development or his designee shall:
  - (a) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 15.20.140(2), obtain and record the

- to the standards provided in subsections 15.20.195(1)(a) through (g).
- (2) Regardless of method of construction, critical facilities are prohibited in the special flood risk zones.
  - (3) There shall be no fill or new construction within the channel of Gages Slough.

#### 15.20.200 Floodways.

Located within areas of special flood hazard established in Section 15.20.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) Prohibit construction or reconstruction of residential structures except for:
  - (a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
  - (b) Repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either (i) before the repair, reconstruction, or improvement is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty percent determination.
- (3) If subsections (1) and (2) of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 15.20.180 through 15.20.210.
- (4) Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3(b)(3) and (4) and (c)(10) of the National Flood Insurance Program regulations.

#### 15.20.205 Encroachment Standards.

No new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when



combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

15.20.210 Coastal High Hazard Area.

Coastal high hazard areas (V Zones) are located within the areas of special flood hazard established in Section 15.20.070. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, the following provisions shall apply:

- (1) All new construction and substantial improvements in Zones VI-V30 shall be elevated on pilings and columns so that:
  - (a) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and
  - (b) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval); a registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to used are in accordance with accepted standards of practice for meeting the provisions of (a) and (b) of this Section.
- (2) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones VI-V30 and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.
- (3) All new construction shall be located landward of the reach of mean high tide.
- (4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading

15.20.230 Penalties and Enforcement.

- (1) The Attorney General or the Skagit County Prosecuting Attorney shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter and WAC 173-158.
- (2) Any person who fails to comply with this chapter and WAC 173-158 shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.
- (3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the Department of Ecology or the County, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.
- (4) Any penalty imposed pursuant to this section by the Department of Ecology shall be subject to review by the Pollution Control Hearings Board. Any penalty imposed pursuant to this section by the County shall be subject to review by the Skagit County Hearing Examiner in accordance with SCC 15.20.150. Any penalty jointly imposed by the Department of Ecology and the County shall be appealed to the Pollution Control Hearings Board.