

Review of the Skagit County Flood Damage Prevention Ordinance found at Chapter 14.04 and 14.34 of the Skagit County Code.

PROVISIONS THAT REQUIRE AMENDMENT OR ADDITIONAL INFORMATION

The following issues must be addressed.

1. SCC 14.34.050 needs to add the following language:

The best available information for flood hazard area identification as outlined in BMC 17.60.140(2) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under BMC 17.60.140(2).

2. A severability clause needs to be added to the ordinance. The model language is as follows:

SEVERABILITY

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

3. SCC 14.34.150 must also include the following language:

Water wells shall be located on high ground that is not in the floodway.

4. BMC 17.60.050(18) needs to be revised to read:

“Start of construction” includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units

where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

7. SCC 14.34.160(4) needs to be eliminated. Agricultural structures must meet the requirements for non-residential structures. Wet flood-proofing without a variance is allowed only for small storage structures used only for limited storage.
8. The "critter pad" rules at Appendix A need to be reviewed and approved by FEMA.
9. SCC14.34.210 needs to specifically include VE zones and V zones.
10. The following definitions in SCC 14.04.020 need to be revised:

“Start of construction” includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

11. The following definitions need to be included in the flood damage prevention ordinance:
 - B. **SUBSTANTIAL DAMAGE:** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.