



# Floodway Construction

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## Background

The Federal Emergency Management Agency requires local governments to regulate construction in the floodway as part of the National Flood Insurance Program. Skagit County also participates in the Community Rating System (CRS) program. Flood insurance policy holders in Skagit County receive a discount on their rates because of Skagit County's favorable rating. FEMA and Washington State conduct periodic field visits to assess how well Skagit County is following adopted codes and policies. Violations can affect Skagit County's rating and can result in increased insurance premiums for every flood insurance policyholder in the county.

## Frequently Asked Questions

### How can I tell if my property is in the floodway?

Contact us or search your property at <https://msc.fema.gov>.

### What is the difference between the floodway and the floodplain?

The floodplain is an area that has a 1% chance of flooding in any given year. Construction is generally allowed and must be flood-resistant and/or elevated. The floodway is a high-risk area that is subject to more frequent flooding and water velocity with debris, and is therefore subject to more restrictive regulations.

### Can I construct a residence in the floodway?

No. Residences may not be constructed in the floodway.<sup>1</sup>

### Can I construct a non-residential building in the floodway?

A structure consisting of posts and a roof may be built, if all other codes are complied with. Larger structures or enclosed structures that are not elevated on posts or columns require a "No-Rise Study," which most people find cost-prohibitive.<sup>2</sup> Generally, structures with only posts or columns below the base flood elevation are the only structures that are economical to construct in the floodway.<sup>2</sup>

### Can I clear or grade land in the floodway?

Since the floodway is an extremely hazardous area with high erosion potential, grading is **not** permitted, unless a "No-Rise Study" is provided. See our Clearing, Grading, Grubbing, and Forest Practices Handout for more information.

### Are building permits required for construction in the floodway? What about buildings under 200 sq ft?

Without exceptions, all buildings in the floodway require permits.<sup>3</sup> The usual County rule exempting small buildings from building permits does not apply.

### Do temporary buildings, shipping containers, or sheds on skids require permits?

Yes. There is no exemption for such structures in the floodway.

### Are recreational vehicles allowed in the floodway?

Yes, but the RV must be:

- fully licensed;
- ready for highway use without the requirement for special highway permits;
- towable by a regular duty truck without the requirement for special licenses;
- be on its wheels or jacking system; and
- have no permanently attached additions.<sup>4</sup>

The RV may not be present in the floodway from November through April of any calendar year, except that RVs are allowed during this period for weekend and holiday use for up to 14 days.<sup>5</sup> No more than two RVs are allowed on a lot.<sup>6</sup>

### Is a "park model" considered an RV?

Yes. A park model is an RV, subject to all the same rules.

### Can an RV be used as a permanent/primary residence?

No. RVs of any kind may only be used for temporary occupancy, i.e., no more than 180 days in any 12-month period.<sup>7</sup> This rule applies everywhere in the County, and is further limited in the floodway (see above).

### Can I build a shed in the floodway if it has wheels?

Only if constructed on a currently licensed, road-ready, standard-size trailer.

## For more information

Please contact our Floodplain Manager or visit us at [www.skagitcounty.net/planning](http://www.skagitcounty.net/planning).

<sup>3</sup> SCC 15.04.030, modifying IBC/IRC Section 105.2 exception 1.

<sup>4</sup> SCC 14.34.190(4)(a).

<sup>5</sup> SCC 14.34.190(4)(b).

<sup>6</sup> SCC 14.16.945(3)(d).

<sup>7</sup> SCC 14.16.945(2)(b).

<sup>1</sup> SCC 14.34.190(2).

<sup>2</sup> SCC 14.34.190.