

ORDINANCE 1250

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, REVISING THE CITY'S REGULATIONS FOR FREQUENTLY FLOODED AREAS BY AMENDING SMC CHAPTERS 17.20 AND 17.120 AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, portions of the Downtown Center within the City of Stanwood are in a designated floodplain as determined by FEMA; and

WHEREAS, the City of Stanwood has adopted Critical Areas regulations pursuant to the State of Washington Growth Management Act; and

WHEREAS, the Critical Areas Regulations include standards for development within the floodplain; and

WHEREAS, The Department of Ecology (DOE) staff conducted a Community Assistance Visit to Stanwood in September, 2008 to determine whether the City's Frequently Flooded Areas regulations conform to FEMA requirements; and

WHEREAS, the Department of Ecology issued a correction letter to the City on October 1, 2008 requiring adoption of certain definitions that are consistent with the FEMA model ordinance on floodplain regulations and requiring amendments to standards for manufactured homes within the floodplain; and

WHEREAS, the City of Stanwood SEPA Responsible Official reviewed the amendment applications and issued a Determination of Non-significance (DNS) on December 31, 2008; and

WHEREAS, on April 13 and May 19, 2009, a public hearing was held by the Planning Commission, and all persons wishing to provide public input concerning the docketed requests were heard; and

WHEREAS, public notice of the SEPA DNS and the above-referenced public hearing were provided as required by law; and

WHEREAS, the City Council met June 11, 2009 to consider the Planning Commission's recommendation on the proposed zoning text amendments; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Community, Trade, and Economic Development of the City's intent to adopt the proposed change in zoning text amendments;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF
STANWOOD, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. Stanwood Municipal Code Chapter 17.20. Construction of Language-Definitions, Section **17.20.275 Basement** is amended to read as follows:

17.20.275 Basement.

(1) For the purposes of Chapter 17.120 Frequently Flooded Areas “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

(2) Except for purposes of Chapter 17.120 Frequently Flooded Areas “Basement” means a story partly or completely underground. A basement shall be considered as a story for building height measurement where more than one-half of its height is above the average level of the adjoining ground. (Ord. 1110 § 3, 2002; Ord. 929 Ch. 5, 1995).

Section 2. Stanwood Municipal Code Chapter 17.20. Construction of Language-Definitions, Section **17.20.780 Development**, is hereby amended to read as follows:

17.20.780 Development.

(1) For the purposes of Chapter 17.120 “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

(2) Except for purposes of Chapter 17.120 Frequently Flooded Areas “Development” means: the placement, erection, or removal of any fill, solid material, or structure on land, in or under the water; discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes that do not disturb the coastal waters or sea, or any improvement made in the interior of any structure. (Ord. 929 Ch. 5, 1995).

Section 3. Stanwood Municipal Code Chapter 17.20. Construction of Language-Definitions, is hereby amended by adopting a new **Section 17.20.1562 “Lowest Floor”**, to read as follows:

17.20.1562 Lowest Floor.

For the purposes of Chapter 17.120 “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements provided there are adequate flood ventilation openings.

Section 4. Stanwood Municipal Code Chapter 17.20. Construction of Language Definitions, Section **17.20.1570 Manufactured/mobile home**, is hereby amended to read as follows:

17.20.1570 Manufactured/mobile home.

(1) For the purposes of Chapter 17.120 “Manufactured/ home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

(2) Except for purposes of Chapter 17.120, Frequently Flooded Areas, “Manufactured/mobile home” means a residential unit on one or more chassis for towing to the point of use and designed to be used with a permanent foundation as a dwelling unit on a year-round basis, and which bears an insignia issued by a state or federal regulatory agency indicating the mobile/manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of manufactured home. Commercial coaches, recreational vehicles, or motor homes are not mobile/manufactured homes. (Ord. 1110 § 3, 2002; Ord. 929 Ch. 5, 1995).

Section 5. Stanwood Municipal Code Chapter 17.20. Construction of Language-Definitions, Section **17.20.2015 Recreation vehicle (RV)**, is hereby amended to read as follows:

17.20.2015 Recreational vehicle (RV).

(1) For the purposes of Chapter 17.120 “Recreational vehicle” means a vehicle,
(a) Built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light duty truck; and
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(2) Except for purposes of Chapter 17.120, Frequently Flooded Areas, “Recreational vehicle (RV)” means a vehicular type unit designed for recreational camping or travel uses, with or without motive power. This definition includes vehicles such as travel trailers, camping trailers, truck campers, motor homes, boats, all terrain vehicles (ATVs), motorcycles and jet skis. A recreational vehicle is not a mobile/manufactured home. (Ord. 929 Ch. 5, 1995).

Section 6. Stanwood Municipal Code Chapter 17.20. Construction of Language-Definitions, is hereby amended by adopting a new Section **17.20. 2302 “Start of Construction”** to read as follows:

17.20. 2302 Start of construction.

“Start of construction” 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 foundations 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.

Section 7. Stanwood Municipal Code Chapter 17.20. Critical Areas- Frequently Flooded Areas- Section 17.120.050 Specific standards, is hereby amended to read as follows:

17.120.050 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in SMC 17.120.020(2), Basis for Establishing the Areas of Special Flood Hazard, or SMC 17.120.030(2), Use of Other Base Flood Data, the following provisions are required:

(1) Residential Construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, ~~including basement~~, elevated to the base flood elevation plus one foot.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(ii) The bottom of all openings shall be no higher than one foot above grade; and

(iii) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.

(2) Nonresidential Construction.

(a) New construction and substantial improvement to any commercial, industrial, or other nonresidential structure shall either have the lowest floor, ~~including basement~~, elevated to the level of the base flood elevation plus one foot, or, together with attendant utility and sanitary facilities, shall:

(i) Be floodproofed so that below one foot above the base flood level, the structure is watertight, with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards or practice for meeting the provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certification shall be provided to the planning director as set forth in SMC 17.120.030(3)(b);

(iv) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor, as described in subsection (1)(b) of this section; and

(v) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level).

(3) Manufactured Homes.

(a) All manufactured homes to be placed or substantially improved on the following sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately designed the foundation system to resist flotation, collapse, and lateral movement:

- (i) Outside of a manufactured home park or subdivision;
- (ii) In a new manufactured home park or subdivision;
- (iii) In an expansion to an existing manufactured home park or subdivision; or
- (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.

(b) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions must be elevated so that either:

- (i) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; or
- (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements, of at least equivalent strength that are no less than 36 inches in height above grade, and is securely anchored to an adequately designed ~~anchored~~ foundation system to resist flotation, collapse, and lateral movement.

(4) Recreational Vehicles. Recreational vehicles to be placed on sites within zones A1-A30 and AE on the community's FIRM are required to either:

- (a) Be on-site for fewer than 180 consecutive days;
- (b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- (c) Must obtain a development permit and meet the requirements, including elevation and anchoring, for manufactured homes.

(5) Areas of Shallow Flooding. Uses in areas of shallow flooding shall adhere to the following standards, in addition to the other requirements of this chapter:

(a) Residential Structures. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one

foot or more above the depth number specified in feet on the flood insurance map or at least two feet if no depth number is specified.

(b) Nonresidential Structures. New construction and substantial improvements of nonresidential structures within AO zones shall either:

(i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the flood insurance map or at least two feet if no depth number is specified; or

(ii) Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Following construction of the structure, certifications shall be submitted to the city that record the actual (as-built) elevation to which the structure was floodproofed.

(c) Drainage Paths. All development shall include adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.


(d) Recreational Vehicles. Recreational vehicles placed on sites within AO zones on the flood insurance map(s) shall meet the requirements of this chapter. (Ord. 1164 § 4, 2004; Ord. 1089 § 8, 2000; Ord. 929 Ch. 10(F)(4)(b), 1995).

Section 8. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 9. Having reviewed all of the record made before the Planning Commission and the record before the City Council, the Findings of Fact and Conclusions attached hereto as Exhibit A are hereby adopted and incorporated by this reference.

Section 10. This Ordinance shall take effect five days after its publication by summary.

PASSED by the City Council and signed by the Mayor this 11th day of June, 2009.

By: 
Dianne W. White, Mayor

Attest:

Approved as to form:

By: Melissa A. Collins
Melissa A. Collins, City Clerk

By: Grant K. Weed
Grant K. Weed, City Attorney

FINDINGS OF FACT AND CONCLUSIONS

Findings of Fact:

- 1) The City of Stanwood adopted a Specific Standards for Frequently Flooded Areas as part of its Critical Areas Regulations in 1995 and amended these regulations in 2000.
- 2) The Washington State Department of Ecology (DOE) conducted a Community Assistance Visit September 25, 2008 to review city regulations and practices relating to building in the floodplain.
- 3) By letter of October 1, 2008 the DOE staff specified that the City needed to make minor revisions to Chapter 17.120 of the SMC, mainly to add definitions and to regulations for anchoring manufactured homes within the floodplain.
- 4) The Planning Commission held a duly noticed public hearing on the on April 13 and May 19, 2009, and all persons wishing to provide public input concerning the docketed requests were heard.
- 5) Consistent with RCW 43.21C, the Responsible Official issued a Determination of Nonsignificance March 24, 2009.
- 6) At its regularly scheduled City Council meeting June 11, 2009 after review of the application, staff report, and Planning Commission recommendation and after consideration of the public testimony submitted at or as part of the public hearing, the City Council held first and second reading of Ordinance No. 1250.

Conclusions/Decision: Based upon the entire record in this matter, which shall be incorporated by reference, the Stanwood City Council adopts the following conclusions and decisions.

- 1) The following FEMA definitions are added to Chapter 17, Zoning for the purposes of compliance with FEMA requirements.
 - Basement
 - Development
 - Lowest Floor (new)
 - Manufactured Home
 - New Construction
 - Recreation Vehicle
 - Start of Construction (new)
- 2) Existing definitions are retained for use in other sections of the zoning code for the following items
 - Basement
 - Development

- Manufactured Home
- New Construction
- Recreation Vehicle

3) Amendments are made to the specific standards of the floodplain regulations to require anchoring of manufactured homes to foundations.