

## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Allan Giffen, Planning Director  
**DATE:** June 9, 2020  
**SUBJECT:** New Flood Damage Prevention Regulations

**Background Information:** In order for property owners in Everett to be eligible for flood insurance, the City must adopt regulations addressing development and construction in areas of flood hazard. The Federal Emergency Management Agency (FEMA) establishes model regulations that must be adopted by cities and counties to comply with the National Flood Insurance Program. The City's current floodplain regulations were adopted in 2005.

FEMA has issued a new Flood Insurance Study (FIS) and new Flood Insurance Rate Maps (FIRM). Local governments are required to enact new regulations consistent with the FEMA model ordinance so the regulations are effective by June 19, 2020. The City Council will take action on an interim emergency ordinance June 10, 2020, in order to comply with FEMA's deadline. The Planning Commission's review is intended to follow the City's required procedure for amending the zoning code and the commission's recommendation to the City Council will result in the interim ordinance being replaced with identical regulations but adopted as required by the Everett Municipal Code and City Charter. The COVID pandemic has prevented the City from presenting this ordinance sooner.

**Changes to Existing Regulations:** The following are the key changes being made to the current regulations:

1. The City's current regulations include floodplain overlay zones as part of the City's zoning map. The proposed ordinance will repeal those overlay zones and the areas of special flood hazard will be regulated by FEMA's Flood Insurance Rate Maps. These maps have been updated with more accurate information about flood elevations.
2. Definitions will be updated.
3. The "Density Fringe Area" regulations from Snohomish County's code will be adopted and applied to City-owned utility property in the Smith Island estuary area recently annexed to the city. This property is part of the larger estuarine restoration and habitat enhancement project located north and east of the City's water pollution control facilities.
4. Construction standards will be revised so floor elevation must be one foot above the "base flood elevation" instead of the current code's two feet, except in areas where the base flood elevation is not known.

5. The allowance to increase the water surface elevation of the base flood by one foot at any point in the community will be replaced with “no rise within the floodway.”
6. Standards for a new VE zone, Coastal High Hazard Areas, will be added.

**Staff Recommendation:** Staff recommends that the Planning Commission, following the close of the public hearing, adopt the attached Planning Commission Resolution recommending that the City Council adopt the new Flood Damage Prevention regulations.



**Planning Commission Resolution No. 20-03**

**A Resolution Recommending that the City Council Repeal the Existing Floodplain Regulations in EMC Chapter 19.30 and adopt new Flood Damage Prevention Regulations in Accordance with the National Flood Insurance Program.**

**WHEREAS, the Planning Commission finds the following:**

1. The City of Everett has several areas within the City that are subject to periodic flooding or have the potential to experience damages from flood waters during storm events.
2. The City of Everett participates in the National Flood Insurance Program (NFIP) so properties in Everett remain eligible for flood insurance.
3. The Federal Emergency Management Agency (FEMA) periodically updates Flood Insurance Study for Snohomish County, to provide more accurate information concerning flood risks and impact, including properties located in Everett.
4. The City's current flood hazard regulations were last updated in 2005.
5. FEMA has adopted new Flood Insurance Rate Maps that change the areas in Everett that are expected to be vulnerable to damages from flood events.
6. A new set of Flood Damage Prevention regulations have been proposed by FEMA for local jurisdictions to use to implement the requirements of the NFIP.
7. The Planning Commission has conducted a public hearing and has considered the recommendations by staff of the Planning Division concerning the proposed amendments to the zoning code regulations concerning areas of special flood hazard.
8. The proposed amendment is consistent with the applicable provisions of the Everett Comprehensive Plan.
9. The proposed amendment bears a substantial relation to public health, safety or welfare.
10. The proposed amendment promotes the best long-term interests of the Everett community.

**NOW, THEREFORE, THE PLANNING COMMISSION RECOMMENDS THE FOLLOWING:**

1. The Planning Commission recommends that the City Council amend the zoning code to repeal the existing floodplain regulations and replace them with the Flood Damage Prevention Regulations, attached hereto as Exhibit A, in accordance with the National Flood Insurance Program.

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Secretary

For:

Against:

Absent:

Abstain:

EXHIBIT "A"

Interim Chapter 19.30 Flood Damage Prevention

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The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.

The flood hazard areas of Everett are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

It is the purpose of this chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to protect human life and health; minimize expenditure of public money for costly flood control projects; minimize the need for rescue and relief efforts associated with flooding

and generally undertaken at the expense of the general public; minimize prolonged business interruptions; minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas; help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; notify potential buyers that the property is in a Special Flood Hazard Area; notify those who occupy flood hazard areas that they assume responsibility for their actions; and participate in and maintain eligibility for flood insurance and disaster relief.

**19.30.020 Lands to which this chapter applies.**

This chapter shall apply to all special flood hazard areas within the boundaries of Everett.

**19.30.030 Basis for establishing the areas of Special Flood Hazard**

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for Snohomish County, Washington and incorporated areas” dated June 19, 2020, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated June 19, 2020, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The FIS and the FIRM are on file at 2930 Wetmore Avenue, Everett, WA 98201.

The best available information for flood hazard area identification as outlined in Section 19.30.080.C.2. shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 19.30.080.C.2.

**19.30.040 Compliance**

All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Enforcement of the provisions of this chapter shall be performed in accordance with the procedures established in Chapter 1.20.

**19.30.050 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.

**19.30.060 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 man-made 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 Everett, 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 hereunder.

## **19.30.080 Administration**

### **A. Establishment of Development Permit.**

1. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 19.30.030. The permit shall be for all structures including manufactured homes, as set forth in Section 19.04.400, "Definitions," and for all development including fill and other activities, also as set forth in Section 19.30.400, "Flood Definitions."
2. Application for Development Permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator 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:
  - a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
  - b) Elevation in relation to mean sea level to which any structure has been floodproofed;
  - c) Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 19.30.090.B.2;
  - d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
  - e) Where a structure is proposed in a VE zone, a V-zone design certificate;
  - f) Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation, and
  - g) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

### **B. Designation of the Floodplain Administrator.**

The planning director is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The planning director may delegate authority to implement these provisions.

### **C. Duties & Responsibilities of the Floodplain Administrator**

1. Duties of the Floodplain Administrator shall include, but not be limited to the review of all development permits to determine that:
  - a) the permit requirements of this chapter have been satisfied;
  - b) all other required state and federal permits have been obtained;
  - c) the site is reasonably safe from flooding;
  - d) the proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 19.30.090.D.1 (no rise standard) are met;
  - e) Notify FEMA when annexations occur in the Special Flood Hazard Area.
2. Use of Other Base Flood Data (In A and V Zones). When base flood elevation data has not been provided (in A or V zones) in accordance with Section 19.30.030, Basis For Establishing The Areas Of Special Flood Hazard, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other

source, in order to administer Sections 19.30.090.B, SPECIFIC STANDARDS, and 19.30.090.D, FLOODWAYS.

3. Information to be Obtained and Maintained
  - a) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 19.30.080.C.2 above, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - b) Obtain and maintain documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.
  - c) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 19.30.080.C.2 above.
    - i. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed.
    - ii. Maintain the floodproofing certifications required in Section 19.30.080.A.2.c above.
  - d) Certification required by Section 19.30.090.D.1 (no rise standard).
  - e) Records of all variance actions, including justification for their issuance.
  - f) Improvement and damage calculations.
  - g) Maintain for public inspection all records pertaining to the provisions of this chapter.
4. Alteration of Watercourse. Whenever a watercourse is to be altered or relocated:
  - a) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means,
  - b) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
5. Review of Building Permits. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (**EMC 19.30.080.C.3**), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
6. Changes to Special Flood Hazard Area
  - a) If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
  - b) If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

#### **D. Enforcement**

The provisions of this chapter shall be enforced pursuant to EMC 19.41.030 and Chapter 1.20 of the Everett Municipal Code.

## 19.30.090 Provisions for Flood Hazard Reduction

### A. General Standards.

In all areas of special flood hazards, the following standards are required:

1. Anchoring
  - a) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
  - b) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."
2. Construction Materials and Methods
  - a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities
  - a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
  - b) Water wells shall be located on high ground that is not in the floodway;
  - c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
  - d) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, and in accordance with requirements of the Snohomish Health District.
4. Subdivision Proposals and Development. All subdivisions, as well as new development shall:
  - a) Be consistent with the need to minimize flood damage;
  - b) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
  - c) Have adequate drainage provided to reduce exposure to flood damage.
  - d) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.

## **B. Specific Standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 19.30.030, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 19.30.080.C.2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:

### **1. Residential Construction.**

- a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE.
- b) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- c) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in 19.30.300.
- d) 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 floodwaters. Designs must meet or exceed the following minimum criteria:
  - i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - ii. The bottom of all openings shall be no higher than one foot above grade.
  - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
  - iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

### **2. Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection a or b, below.

- a) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
  - i. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

- ii. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- iii. If located in a V, V1-30, or VE zone, the structure shall meet the requirements in 19.30.300.
- iv. 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 floodwaters. 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:
  - (A) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - (B) The bottom of all openings shall be no higher than one foot above grade.
  - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
  - (D) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

- b) If the requirements of subsection B.2.a. above are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
  - i. Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
  - 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 of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 19.30.080.C.3.b;
  - iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 19.090.B.1.e;
- 3. Manufactured Homes. All manufactured homes to be placed or substantially improved on 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 anchored foundation system to resist flotation, collapse and lateral movement.
- 4. Recreational Vehicles. Recreational vehicles placed on sites are required to:

- a) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; and
  - b) Comply with Title 17.
5. Enclosed Area Below the Lowest Floor. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.
6. Appurtenant Structures (Detached Garages & Small Storage Structures). For A Zones (A, AE, A1-30, AH, AO):
- a) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
    - i. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
    - ii. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
    - iii. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
    - iv. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;
    - v. The appurtenant structure must comply with floodway encroachment provisions in Section 19.30.090.D.1 (no rise standard);
    - vi. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 19.30.090.B.1.e.
    - vii. The structure shall have low damage potential,
    - viii. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and
    - ix. The structure shall not be used for human habitation.
7. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 19.30.090.B.1.
8. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

**C. AE and A1-30 Zones with Base Flood Elevations but No Floodways.**

In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE 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.

**D. Floodways.**

Located within areas of special flood hazard established in Section 19.30.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. No Rise Standard. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
2. Residential Construction in Floodways. Construction or reconstruction of residential structures is prohibited within designated floodways, except for repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, before the repair or reconstruction is started, or if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.
3. Substantially Damaged Residences in Floodway.
  - a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).
  - b) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
    - i. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
    - ii. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
    - iii. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
    - iv. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
    - v. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
    - vi. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.

- vii. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
- 4. All Other Building Standards Apply in the Floodway. If Section 19.30.090.D.1 (no rise standard) is satisfied or construction is allowed pursuant to Section 19.30.090.D.2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 19.30.090, Provisions For Flood Hazard Reduction.
- 5. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.
- 6. Livestock Sanctuaries. Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated at least one foot above the BFE to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

### **19.30.100 Variances**

The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city of Everett to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in this chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

#### **A. Requirements for Variances**

- 1. Variances shall only be issued:
  - a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

2. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
4. Upon a showing of good and sufficient cause;
5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 19.04.400 in the definition of "Functionally Dependent Use."
7. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
8. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 19.30.080 and 19.30.090 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

#### **B. Variance Criteria**

In considering variance applications, the city of Everett shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

#### **C. Additional Requirements for the Issuance of a Variance**

1. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- a) The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
2. Such construction below the BFE increases risks to life and property.
3. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
4. The Hearing Examiner shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.
5. Variance applications shall be reviewed and processed as specified in Title 15, Local Project Review Procedures.

### **19.30.300 Standards for Coastal High Hazard Areas (V Zones)**

Located within areas of special flood hazard established in Section 19.30.030 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:

- A. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that:
  1. Elevation:
    - a) Residential Buildings. 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.
    - b) Nonresidential buildings. 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 or meets the elevation requirements of ASCE 24, whichever is higher; and
  2. The pile or column foundation and structure attached thereto is anchored to resist floatation, 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 be used are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- B. 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 V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The Floodplain Administrator shall maintain a record of all such information.
- C. All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide.
- D. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting 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

purposes 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 resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
  2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- E. Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM.
- F. Prohibit man-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.
- G. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:
1. Outside of a manufactured home park or subdivision,
  2. In a new manufactured home park or subdivision,
  3. In an expansion to an existing manufactured home park or subdivision, or
  4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall meet the standards of paragraphs (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of Section 19.30.090.B.3.
- H. Recreational vehicles placed on sites within V or VE zones on the community's FIRM shall:
1. 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; and
  2. Comply with EMC Title 17.

#### **19.30.310 Density Fringe Area**

- A. EMC 19.30.310 through 19.30.380 provide specific criteria to be used in regulating development in areas of high flood damage potential where conventional floodway areas cannot be established. In order to foster the continued agricultural use of prime farmlands in these flood plain areas, and maintain an acceptable level of flood hazard protection, the development criteria outlined by this chapter shall apply to all development in the density fringe area. The development criteria contained in EMC 19.30.320 and 19.30.330 shall be utilized to prevent a cumulative increase in the base flood elevation of more than one foot.

- B. The density fringe area shall consist of the areas designated on the Flood Insurance Study (FIS) for Snohomish County and Incorporated Areas, and the Flood Insurance Rate Maps (FIRMS) dated June 19, 2020, and as amended in paper or digital format.

**19.30.320 Density fringe area: maximum allowable density.**

The land area occupied by any use or development permitted by this chapter that will displace floodwaters shall not exceed two percent of the land area of that portion of the lot located in the density fringe area. The limitations of this section shall not apply to those uses listed in EMC 19.30.340.

**19.30.330 Density fringe area: maximum allowable obstruction.**

The maximum width (sum of widths) of all new construction, substantial improvements or other development shall not exceed 15 percent of the length of a line drawn perpendicular to the known floodwater flow direction at the point where the development(s) is located. The length of said line shall not extend beyond the property boundary or the edge of the density fringe area, whichever is less. The limitations of this section shall not apply to those uses listed in EMC 19.30.340.

**19.30.340 Density fringe area: exceptions to maximum allowable density and obstruction limitations.**

The following uses shall be exempt from the maximum allowable density and obstruction limitations of EMC 19.30.320 and 19.30.330:

- A. Water-dependent utilities;
- B. Dikes;
- C. Utility facilities; and
- D. Public works, when the project proponent demonstrates that the floodwater displacement effects of the proposal when considered together with the maximum potential floodwater displacement allowed by EMC 19.30.320 and 19.30.330 shall not cause a cumulative increase in the base flood elevation of more than one foot. Floodwater displacement information shall be obtained and certified by a professional engineer.

**19.30.350 Density fringe area: recording required when density and obstruction allowances are increased.**

When the density and/or the allowable obstruction area in a density fringe designation is increased pursuant to EMC 19.30.320 and 19.30.330, the property owner shall record with the Auditor's office a notice in a form approved by Planning and Development Services describing the related flood hazard permit number, subject property assessor number(s) and structures included in the density fringe area calculations.

**19.30.360 Density fringe area: general provisions.**

The following regulations shall apply to all development in the density fringe area:

- A. Identified natural drainage channels that are secondary to the river channel(s) in discharging floodwaters downstream during flood periods shall be preserved or maintained as open space.
- B. All structures and development shall be oriented parallel to known floodwater flow directions in order to minimize flow obstruction. Determination of such orientation shall be based upon topographical and historical flood data. When such information is not available, orientation shall be in an upstream-downstream direction, parallel with the adjacent river channel except that such orientation shall not be required for utility transmission lines permitted by EMC 19.30.370(G), and roads permitted by EMC 19.30.370(M).

- C. All new construction and substantial improvements shall comply with the flood hazard protection standards of EMC 19.30.090.

**19.30.370 Density fringe area: permitted uses.**

The following uses are permitted in the density fringe area:

- A. Agriculture, including:
  - 1. Accessory agricultural structures such as but not limited to barns, milking parlors, silos, manure tanks, and loafing sheds that provide direct support for primary agricultural activities including tilling of the soil, raising of crops, horticulture, viticulture, small livestock, poultry, pasturing, grazing, dairying and/or animal husbandry; and
  - 2. Livestock protection mounds, when the mounds do not consist of solid waste as defined by this title; and
  - 3. Manure pits and lagoons;
- B. Forestry, including processing of forest products with portable equipment;
- C. Preserves and reservations;
- D. Parks and recreational activities;
- E. Removal of rock, sand and gravel providing that the applicant can provide clear and convincing evidence that such a use will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flood threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of the Everett shoreline management program;
- F. Utility transmission lines;
- G. Water-dependent utilities. Examples of such uses are dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; and structural and non-structural flood damage reduction facilities, and stream bank stabilization structures and practices;
- H. Improvements to existing residential structures that do not exceed the maximum allowable density and obstruction requirements of EMC 19.30.320 and 19.30.330;
- I. Single family farmhouse structures including modular homes and mobile homes placed on permanent concrete foundations, if the following conditions are met:
  - 1. The structure is constructed to building code standards;
  - 2. The farmhouse is necessary to the operation of a commercial farm engaged in agriculture;
  - 3. A potential building site for the farmhouse on the same farm site is not available outside the density fringe area;
  - 4. Earthfill utilized for building foundation shall be emplaced and stabilized in a manner that will prevent erosion from flood water flow;
  - 5. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
  - 6. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood waters into the system and to eliminate or minimize discharge from the system into the flood waters;
  - 7. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;

- 8. An egress plan for vacating the structure during the base flood occurrence shall be provided;
- J. Marinas;
- K. Dikes, if the applicant can provide clear and convincing evidence that:
  - 1. Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;
  - 2. Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired; and
  - 3. The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented;
- L. Utility facilities;
- M. Public works, limited to:
  - 1. Roads,
  - 2. Bridges,
  - 3. Docks, and
  - 4. Port facilities; and
- N. In urban growth areas only, sawmill storage yards when located adjacent to existing sawmill uses.

**19.30.380 Density fringe area: prohibited uses.**

The following uses shall be prohibited in the density fringe area:

- A. Any structure, including mobile homes, designed for, or to be used for human habitation of a permanent nature (including temporary dwellings authorized by EMC 19.05, except as provided by EMC 19.30.370(H) and (I));
- B. The construction or storage of any object subject to flotation or movement during flooding;
- C. The filling of marshlands;
- D. Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials;
- E. Damming or relocation on any watercourse that will result in any downstream increase in flood levels during the base flood;
- F. Critical facilities;
- G. The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited

**19.30.400 Definitions**

The following definitions pertain to EMC Chapter 19.30, Flood Damage Prevention, as amended, and unless expressly provided otherwise, to all other provisions of this Title that are governed by Chapter 19.30.

- A. "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.
- B. "Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.
- C. "Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

- D. "Area of special flood hazard" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".
- E. "ASCE 24" means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.
- F. "Base flood" means the flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").
- G. "Base Flood Elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.
- H. "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.
- I. "Building" See "Structure."
- J. "Building Code" means the currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.
- K. "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- L. "Coastal High Hazard Area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.
- M. "Critical Facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, waste water treatment facilities, and installations which produce, use, or store hazardous materials or hazardous waste.
- N. "Density fringe area" means that portion of the special flood hazard area of the lower Snohomish River in which floodway areas cannot reasonably be established and in which development is regulated by maximum development density criteria.
- O. "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.
- P. "Elevation Certificate" means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).
- Q. "Elevated Building" means, for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
- R. "Essential Facility" means the same as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.
- S. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are

to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

- T. "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- U. "Farmhouse" means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.
- V. "Flood" or "Flooding" means:
  - 1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    - a) The overflow of inland or tidal waters.
    - b) The unusual and rapid accumulation or runoff of surface waters from any source.
    - c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
  - 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph(1)(a) of this definition.
- W. "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).
- X. "Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- Y. "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."
- Z. "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.
- AA. "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- BB. "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved

real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

- CC. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."
- DD. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.
- EE. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- FF. "Historic structure" means any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  4. Individually listed on the Everett Register of Historic Places, provided that the city's historic preservation program continues to be certified either:
    - a) By an approved state program as determined by the Secretary of the Interior; or
    - b) Directly by the Secretary of the Interior in states without approved programs.
- GG. "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 of this chapter (i.e. provided there are adequate flood ventilation openings).
- HH. "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."
- II. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- JJ. "Mean Sea Level" means, for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.
- KK. "New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a

floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

- LL. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.
- MM. "One-hundred-year flood" or "100-year flood": See "Base flood."
- NN. "Reasonably Safe from Flooding" means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.
- OO. "Recreational vehicle" means a vehicle,
1. Built on a single chassis;
  2. 400 square feet or less when measured at the largest horizontal projection;
  3. Designed to be self-propelled or permanently towable by a light duty truck; and
  4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- PP. "Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. 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.
- QQ. "Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- RR. "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.
- SS. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local

code enforcement official and that are the minimum necessary to assure safe living conditions;  
or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

TT. "Variance" means a grant of relief by a community from the terms of a floodplain management regulation.

UU. "Water surface elevation" means the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

VV. "Water Dependent" means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.