



COMMUNITY DEVELOPMENT DEPARTMENT

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MEMORANDUM

To: Planning Commission
From: Mark Hofman, Community Development Director, CFM
Jason Rogers, Senior Planner
Date: May 18, 2020
Subject: Flood Hazard Regulations

BACKGROUND

The National Flood Insurance Act of 1968 was enacted by title XIII of the Housing and Urban Development Act of 1968. This is codified at 42 U.S.C. 4001-4128, and is also known as the National Flood Insurance Program (NFIP). The purpose of the NFIP was to provide flood insurance protection to property owners in flood-prone areas. Among other things, the NFIP requires that communities containing special flood hazard areas and other flood-prone areas adopt floodplain management regulations that meet certain minimum criteria set by the Federal Emergency Management Agency (FEMA). These regulations are designed to reduce or avoid flood damages.

FEMA designates portions of the City of Snoqualmie as being areas of special flood hazard. These areas are colloquially referred to as the 100-year floodplain. However, the term 100-year floodplain should not be confused with FEMA's formal definitions for flood-prone areas. FEMA's specific definition for areas of special flood hazard is "land within the community subject to a one percent or greater chance of flooding in any given year." Within this area, the flood hazard regulations apply.

The City's current flood hazard regulations were originally adopted in 1989 (Ord. 621), and have been updated several times since then, including in 2000 (Ord. 856), 2001 (Ord. 890), 2003 (Ord. 920), 2005 (Ord. 976), 2008 (Ord. 1031), 2012 (Ord. 1093), and 2018 (Ord. 1203).

ANALYSIS

The purpose of the flood hazard regulations is specified in SMC 15.12.020 – Purpose. To achieve this, the code also specifies general approaches in SMC 15.12.030 – Methods of Reducing Flood Losses. All development within the special flood hazard area is required to comply with the flood hazard regulations and obtain a flood improvement permit. The Building Official administers flood improvement permits.

General standards are listed in SMC 15.12.150 – General Standards and address subjects such as finished grade after construction, anchoring, and construction materials. Standards specific to particular types of construction are in SMC 15.12.160 – Specific Standards. This section addresses detailed requirements for residential structures, including the requirement for at least one foot of "freeboard" or elevation above the base flood elevation; floodproofing or elevation for non-residential structures; and fill, among other subjects.

The code also addresses fill in the floodplain in SMC 15.12.160(F). In general, fill must be balanced, e.g. you cannot add material without taking an equivalent amount away. This is to ensure that projects involving fill do not make flooding worse for adjacent and/or downstream properties. The balancing requirement, while difficult, is critical to minimizing flood risks. Note that some permit requirements for

Clearing and Grading permits are also dependent on whether a project is located in the floodplain or not; some permit exceptions only outside the floodplain. See SMC 15.20.030(C).

The City's regulations concerning floodways are in SMC 15.12.170. These regulations contain strong rules about residential structures in floodways, most notably that new residential construction is prohibited, and substantial reconstruction is also prohibited. More minor repairs or improvements are allowed. These provisions mean that, in the long term, all residential uses in the floodway will cease.

FEMA regularly updates its mapping (e.g. the Flood Insurance Rate Maps, or FIRMs) and applicable regulations at 44 CFR Subpart A – Requirements for Flood Plain Management Regulations. When this occurs, the City must update its flood hazard regulations to remain in conformance with federal rules.

NEXT STEPS

Please review this memo and the attached Chapter 15.12 SMC Flood Hazard Regulations. You can find the current FIRMs on FEMA's website at <https://msc.fema.gov/portal/home>. This information is being provided to the Planning Commission as essential background prior to Planning Commission consideration of necessary amendments to the City's flood hazard regulations to ensure the regulations remain in compliance with federal laws and rules governing the NFIP. FEMA is issuing updated maps for King County which will take effect on August 19, 2020; the City's flood hazard regulations must be in conformance by that date.

The Administration will introduce the necessary code amendments at the Planning Commission's next meeting on June 1, 2020, and the Planning Commission will conduct a public hearing on this item on June 15, 2020. Following the public hearing the Planning Commission should be prepared to make a recommendation on the amendments to the City Council.