

MONROE PLANNING COMMISSION

Regular Meeting

April 27, 2020, 7:00 P.M.

Zoom - Online Meeting Platform

Join Here: <https://zoom.us/j/91612723704>

Call in: (253) 215-8782 Meeting ID: 916-1272-3704

Commission Chair: Bridgette Tuttle

Commissioners: Jay Bull, Vice Chair; Kyle Fisher
Steve Jensen; Mike Stanger; Dionne Miller; and Liz Nugent

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Meeting Minutes Of March 9, 2020

Documents:

[PC Minutes 3-9-20 DRAFT.pdf](#)

2. Meeting Minutes Of April 13, 2020

Documents:

[PC Minutes 4-13-20 DRAFT.pdf](#)

PUBLIC HEARING

1. Proposed Amendments To Chapter 14.01 MMC, Flood Hazard Area Regulations

Documents:

[Proposed Amendments to Chapter 14.01 MMC Flood Hazard Area Regulations.pdf](#)

DISCUSSION BY COMMISSIONERS AND STAFF

ADJOURNMENT

THE PLANNING COMMISSION MAY ADD AND/OR TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA

Accommodations for people with disabilities will be provided upon request.

Please contact City Hall at 360-794-7400 in advance of the meeting.

**CITY OF MONROE
PLANNING COMMISSION MINUTES
Monday, March 9, 2020**

The regular meeting of the Monroe Planning Commission was held on Monday, March 9, 2020 at 7:00 p.m., in the City Hall Council Chambers at 806 West Main Street, Monroe, WA 98272.

CALL TO ORDER

Chair Tuttle called the meeting to order at 7:08 p.m.

ROLL CALL

Planning Commission Secretary Gina Pfister called the roll.

Commissioners Present¹: Chair Tuttle, Vice-Chair Bull, Commissioner Jensen, Commissioner Fisher² and Commissioner Nugent.

Chair Tuttle noted, without objection, the excused absence of Commissioners Stanger and Miller. No objections were noted.

Staff Present: Community Development Director Ben Swanson; Principal Planner Shana Restall, Senior Planner Anita Marrero; and Clerical Specialist Gina Pfister.

PUBLIC COMMENTS

There were no comments from the audience.

APPROVAL OF MINUTES

Commissioner Bull made a motion to accept the minutes of February 10, 2020 amended to correct the misspelling of Commissioner Jensen's name on page two. The motion was seconded by Commissioner Nugent. Motion carried 4-0.

OLD BUSINESS

1. Review of Comprehensive Plan Rezone for Monroe School District

Mr. Ben Swanson, Community Development Director, provided background on the agenda item; and summarized previous discussions by the Planning Commission and the City Council. Mr. Swanson noted that he met with new Commissioners Miller and Nugent to provide them with detailed history of the amendment docket and rezone request.

Mr. Swanson explained the City Council's action of remanding this item back to the Commission. Mr. Swanson asked the Commissioners to provide written recommendations to be used in crafting the findings of fact.

Discussion ensued relating to the following topics: traffic impacts and prior traffic studies; impact to the community; level of service ratings; population projections; institutional uses; and unrelated rezone requests. Commission Jensen requested additional historical information. Mr. Swanson will locate and provide the title report.

¹ Commissioners attending the meeting via phone are not eligible to vote.

² Commissioner Fisher joined the meeting via phone at 7:11 p.m.

A Public Hearing was scheduled for March 23, 2020.

2. Proposed Code Amendments for Temporary Homeless Encampments

Ms. Shana Restall, Principal Planner, provided background information on the agenda item; and summarized previous Planning Commission discussions.

Ms. Restall presented Engrossed Substitute House Bill 1754, signed by the Speaker today, concerning the hosting of the homeless by religious organizations; and reviewed updates, clarification, and additional guidance.

Ms. Restall noted that draft code revisions were on hold due to the Legislature's new regulations; and that upcoming revisions to the Municipal Code will be consistent with new legislation.

The Commission engaged in discussion.

NEW BUSINESS

1. Introduction to Floodplain Regulations

Ms. Anita Marrero, Senior Planner, provided background information on the agenda item; reviewed the Federal Emergency management Agency (FEMA) letter regarding the Snohomish Countywide Flood Insurance Study (FIS) and reviewed the following:

- Flood Insurance Rate Maps (FIRMs)
- Monroe flood ordinance ecology revisions
- Revised FEMA FIRM maps

Ms. Marrero noted that the City is required to adopt both the updated FIRMs, and the flood damage prevention ordinance by June 19, 2020 in order to remain in good standing with the National Flood Insurance Program (NFIP).

Discussion ensued relating to the following topics: the City's history with NFIP; summary of changes; department program management; FEMA community assistance site visits; and staff training. Commissioner Jensen requested printed colored copies of the maps at the next meeting.

A Public Hearing will be scheduled for the next Planning Commission meeting.

DISCUSSION BY COMMISSIONERS AND STAFF

Commissioner Jensen inquired about Oakes Street, and the pothole on Oakes Street that drew attention on Facebook. Ms. Marrero noted that the property owner had mentioned some time ago that he was interested in developing, but the City has heard anything since.

Ms. Marrero commented that she is working on the Housing Action Plan; is searching for a consultant to assist; and noted the grant received for a housing needs assessment.

Ms. Marrero noted that temporary Certificates of Occupancy have been issued for building B at River's

Edge, an affordable housing project; and should be complete by June. Commissioner Jensen asked if any pre-applications have been received for the previous Strands location. Ms. Marrero stated no applications have been received.

Commissioner Jensen asked if any pre-applications have been received for fast-food establishments. Ms. Marrero stated no applications have been received; and commented that Wendy's wasn't able to find a location that fits their needs.

Mr. Swanson commented on Mayor Thomas' recent visit to Washington D.C. related to HWY 522 and the corridor study for HWY 2.

Commissioner Bull commented on businesses moving to Main Street/downtown from the industrial area.

Commissioner Bull noted that the Affordable Housing Committee meetings have wrapped-up. Commissioner Bull and Ms. Marrero will give a presentation at an upcoming Planning Commission meeting.

Chair Tuttle commented on the Homelessness Policy Advisory Committee (HPAC) communication plan; newly formed Technical Advisory Committee (TAC); and noted that the City Council adopted the HPAC recommendations at the last Council meeting.

ADJOURNMENT

Commissioner Jensen moved to adjourn at 8:29 p.m. The motion was seconded by Commissioner Nugent. Motion carried 4-0.

Bridgette Tuttle
Chair

Gina Pfister
Planning Commission Secretary

**CITY OF MONROE
PLANNING COMMISSION MINUTES
Monday, April 13, 2020**

The regular meeting of the Monroe Planning Commission was held on Monday, April 13, 2020 at 7:00 p.m., via Zoom online meeting platform.

CALL TO ORDER

Chair Tuttle called the meeting to order at 7:05 p.m.

ROLL CALL

Planning Commission Secretary Gina Pfister called the roll.

Commissioners Present: Chair Tuttle, Vice-Chair Bull, Commissioner Jensen, Commissioner Fisher¹, Commissioner Miller, Commissioner Stanger, and Commissioner Nugent.

Staff Present: Community Development Director Ben Swanson; Principal Planner Shana Restall, Senior Planner Anita Marrero; and Clerical Specialist Gina Pfister.

PUBLIC COMMENTS

There was not a public comment portion of the meeting pursuant to Governor Jay Inslee's OPMA guidance related to the COVID-19 pandemic.

OLD BUSINESS

1. Floodplain Regulations

Ms. Anita Marrero, Senior Planner, provided background information on the agenda item; and reviewed discussion from the March 9, 2020 Planning Commission meeting. Ms. Marrero reminded Commissioners that the Federal Emergency management Agency (FEMA) deadline of June 19, 2020 deadline to adopt both the updated Flood Insurance Rate Maps (FIRMs), and the flood damage prevention ordinance would not be extended due to the COVID-19 pandemic. This must be adopted in order to remain in good standing with the National Flood Insurance Program (NFIP).

Ms. Marrero shared the FEMA National Flood Hazard layer map, and map legend; and noted boundary changes including the removal of Miracle Field.

Discussion ensued. A Public Hearing will be scheduled for April 27, 2020. Commissioner Jensen requested that Ben Swanson, Director of Community Development, make a clear statement at the public hearing as to why the adoption is important and how it will affect resident's insurance premiums.

2. Proposed Code Amendments for Temporary Homeless Encampments

Ms. Shana Restall, Principal Planner, provided background information on the agenda item; summarized previous Planning Commission discussions; and shared a PowerPoint presentation highlighting the following topics: applicability; requirements; possible city regulations; city limitations; public safety; community meetings and notice; and liability. Ms. Restall reviewed ordinance changes and code amendments.

¹ Commissioner Fisher left the meeting at 7:12 for a fire department call.

Discussion ensued relating to the following topics: public safety; Fire District authority; and potential location concerns. Commissioners would like to see the proposed ordinance in track-changes form.

This item will be brought back to a future meeting before the Public Hearing will be scheduled.

NEW BUSINESS

1. Proposed Code Amendments to Title 22 MMC, Unified Development Regulations (UDR)

Shana Restall, Principal Planner, provided background information on the agenda item; and noted that the proposed amendments to the UDR are necessary to correct, clarify, and facilitate the application of development regulations.

Ms. Restall reviewed the proposed code amendments; and explained that since MMC Title 22 has been in effect, staff has been tracking the new regulations and identifying any needed corrections and/or discrepancies. Ms. Restall noted that staff has been meeting with stakeholders including the Fire District and the Engineering department.

Discussion ensued related to the following topics: timeline; land use zones; frequency of updates; and bulk requirements. Commissioner Jensen requested a paper packet when meeting materials involve several attachments or large maps.

DISCUSSION BY COMMISSIONERS AND STAFF

Anita Marrero, Senior Planner, noted that the Floodplain Regulation Public Hearing will be held on April 27, 2020.

Commissioner Nugent provided an Economic Development Advisory Board (EDAB) update.

Chair Tuttle commented on the recent PSA videos posted on the City, the Mayor, and the Monroe Chamber Facebook pages.

Commissioner Miller inquired about the upcoming virtual town hall meeting for small businesses.

Commissioner Stanger noted that the upcoming Park Board meeting has been cancelled.

Commissioner Stanger requested assistance to reset his email password; and was given IT Specialist Ken Stickles' email address.

Commissioner Jensen inquired if a stop work order had been issued on the construction happening near the AT&T store.

Chair Tuttle noted that Coastal Farm and Ranch has stopped work based on the Governor's COVID-19 construction guidance.

Discussion ensued relating to essential business and construction activity. Mr. Swanson reviewed exemptions to the Governor's proclamation and guidance relating to construction.

Chair Tuttle provided an update a Homelessness Policy Advisory Committee update.

Chair Tuttle expressed concern over holding a Public Hearing via Zoom.

ADJOURNMENT

Commissioner Jensen moved to adjourn at 8:10 p.m. The motion was seconded by Commissioner Bull. Motion carried 6-0.

Bridgette Tuttle
Chair

Gina Pfister
Planning Commission Secretary



MONROE PLANNING COMMISSION

SUBJECT:	<i>PUBLIC HEARING – Proposed Amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations</i>
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
04/27/2020	Community Development	Anita Marrero	Anita Marrero	Public Hearing # 1

Discussion: 03/09/2020, 04/13/2020
Public Hearing: 04/27/2020

- Attachments:**
1. Draft Floodplain Regulations Ordinance
 2. Revised FEMA FIRM Maps
 3. Staff Report and Recommendation
 4. SEPA Checklist
 5. SEPA Determination of Non-Significance
 6. Department of Commerce Review Letter
 7. Email from FEMA’s Roxanne Reale-Pilkenton, Floodplain Management Specialist

REQUESTED ACTION:

Move to **DIRECT** staff to draft Findings of Fact and Conclusions of Law for the Planning Commission that **RECOMMEND** that the Monroe City Council **APPROVE** the proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations.

ALTERNATIVE(S) TO REQUESTED ACTION:

1. Move to **DIRECT** staff to draft Findings of Fact and Conclusions of Law for the Planning Commission that **RECOMMEND** that the Monroe City Council **DENY** the proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations.
2. Move to **CONTINUE** the public hearing to the May 11, 2020 regular meeting.

POLICY CONSIDERATIONS

Pursuant to the Governor’s Proclamation 20-28, issued March 24, 2020 and amended April 2, 2020, Actions taken at all meetings subject to the Open Public Meetings Act (OPMA), including Planning Commission meetings, are limited to those matters deemed:

1. Necessary and routine; or
2. Necessary to respond to the COVID-19 outbreak and current public health emergency.

This subject matter is both necessary and routine as FEMA does not have the authority to postpone the effective dates of the maps. These dates are set by legislation and federal regulation. In order to meet the deadline of June 19, 2020, staff needs to move forward and conduct a public hearing at the April 27th Planning Commission meeting. This process is routine, as amendments to the municipal code are subject to the requirements and standards of Chapter 36.70A RCW, the Washington State Growth Management Act, and

conducted through an established procedure specified in Chapter 22.84 MMC, Permit Processing.

On December 19, 2019, the Federal Emergency Management Agency (FEMA) sent the City correspondence relating to the new Snohomish countywide Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) that will become effective for the City of Monroe on June 19, 2020. In the FEMA correspondence, it was noted that:

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision.

The City is required to adopt both the updated FIRMs and to update the flood damage prevention ordinance, within six (6) months of the issuance of the Letter of Final Determination, in order to remain in good standing with the National Flood Insurance Program (NFIP).

DESCRIPTION/BACKGROUND

Close to 300 towns, cities, counties, and tribes within the State of Washington participate in the National Flood Insurance Program (NFIP). As a condition of participation in the NFIP, communities are required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP.

NFIP is a national program that provides affordable insurance and also encourages communities to adopt and enforce flood damage prevention regulations. While participation is voluntary, the City's participation in the NFIP program allows the City, property owners, businesses, and renters in flood-prone areas to obtain insurance and disaster assistance. Monroe has been a NFIP community since 1987.

Communities that adopt higher standards under the Community Rating System (CRS) are also able to benefit from reduced flood insurance premiums. The City has been a participant of CRS since 1991. Monroe has a Class 5 rating which entitles residents in Special Flood Hazard Areas (SFHAs) to a 25 percent discount on their flood insurance premiums and those outside the SFHAs are entitled to a 5 percent discount.

FISCAL IMPACT

N/A

TIME CONSTRAINTS

The code and FIRM's must be adopted by June 19, 2020 as a condition of continued eligibility in the National Flood Insurance Program (NFIP).

Chapter 14.01 FLOOD HAZARD AREA REGULATIONS

Sections:

14.01.010	Findings of fact.
14.01.020	Statement of purpose.
14.01.030	Methods of reducing flood losses.
14.01.040	Land to which this chapter applies.
14.01.050	Basis for establishing the areas of special flood hazard.
14.01.060	Interpretation.
14.01.070	Abrogation and greater restrictions.
14.01.080	Warning and disclaimer of liability.
14.01.090	Definitions.
14.01.100	Special flood hazard area development permits.
14.01.110	Floodplain manager – Authority.
14.01.120	Floodplain manager – Duties and responsibilities.
14.01.130	General standards.
14.01.140	Critical facility.
14.01.150	Floodways.
14.01.155	Density fringe areas.
14.01.160	Variances.
14.01.170	Appeals procedures.
14.01.180	Penalties for noncompliance.
14.01.190	Severability.

14.01.010 Findings of fact.

A. The flood hazard areas of Monroe are subject to periodic inundation that results 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.

B. These flood losses are 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 flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.020 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood -control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- I. Participate in and maintain eligibility for flood insurance and disaster relief

14.01.030 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers that help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development that may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.040 Land to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city of Monroe. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.050 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, WA 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 ordinance.

The FIS and the FIRM are on file at 806 West Main Street, Monroe, Washington.

The best available information for flood hazard area identification as outlined in MMC 14.01.120(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under MMC 14.01.120(B).

~~Areas of special flood hazard for portions of the city of Monroe covered by map panels 1100, 1377, 1380, and 1385 identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Rate Study for Snohomish County, Washington and Incorporated Areas,” dated November 8, 1999, with accompanying Flood Insurance Rate Maps (FIRMs), are adopted by reference and declared to be a part of this chapter.~~

~~Areas of special flood hazard for portions of the city of Monroe covered by map panels 1070, 1357, 1360, and 1376 identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas,” dated September 16, 2005, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs), are adopted by reference and declared to be a part of this chapter. The Flood Insurance Studies shall be on file in the office of the city engineer, 806 West Main Street, Monroe, Washington. (Ord. 018/2017 § 2; Ord. 004/2006 § 2; Ord. 021/2005 § 1)~~

14.01.060 Compliance and Interpretation.

A. –All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

B. In the interpretation and application of this chapter, all provisions shall be:

1.A. Considered as minimum requirements;

2.B. Liberally construed in favor of the governing body;

3.C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.070 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 any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.080 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 may occur. Flood heights may be increased by manmade 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 damage. This chapter shall not create liability on the part of the city, any elected and appointed official or any employee thereof, or the Federal Insurance Administration, for flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.090 Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

“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.

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance pursuant to MMC 14.01.170.C.

“Area of shallow flooding” means a designated ~~zone AO or AH~~ ~~Zone on the~~, ~~AR/AO or AR/AH (or VO) on a community’s~~ Flood Insurance Rate Map (FIRM). ~~The base flood depths range from~~ 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 ~~indeterminate; and, where~~ velocity flow may be evident. ~~AO~~ Such flooding is characterized ~~as by ponding or~~ sheet flow ~~and AH indicates ponding. Also referred to as the sheet flow area.~~

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. ~~Designation on effective maps always includes the letter A or It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR~~ -The term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

“ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. ~~Also~~ also referred to as the “~~one hundred~~100-year flood.” Designation on maps always includes the letters A or V.

“Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

“Basement” means any area of the building having its floor sub-grade, ~~(below ground level)~~ on all sides.

“Building”: See "Structure."

“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.

“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.

“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, and installations which produce, use, or store hazardous materials or hazardous waste.

“Development” means any manmade 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. “Development” also means subdivision of a parcel or parcels into two or more lots located within the area of special flood hazard.

“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).

“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.

“Essential Facility”: See “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

“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.

“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).

“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.

“Flood or Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1.
 - a) ~~1.~~—The overflow of inland or tidal waters; ~~and/or~~
 - b) ~~2.~~—The unusual and rapid accumulation ~~of~~ 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.

“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).”

“Flood Insurance Rate Map (FIRM)” means the official map of a community, on which the Federal Insurance Administration Administrator has delineated both the areas of special flood hazards 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).”

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flood or flooding.”

“Floodplain administrator” means the community official report provided by designated by title to administer and enforce the floodplain management regulations.

“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.

“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.

“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 ~~one foot~~ a designated height. Also referred to as “Regulatory Floodway.”

“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.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“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 a local inventory of historic places in communities with historic preservation programs that have been 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.

“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 ~~nonelevation~~non-elevation design requirements of this chapter found in MMC 14.01.130 (i.e. provided there are adequate flood ventilation openings).

“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 connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles. The term “manufactured home” does not include a “recreational vehicle.”

“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.

~~Q. “New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.~~

“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.

“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.

“One-hundred-year flood or 100-year flood”: See "Base flood."

New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for 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.

“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.

“Recreational vehicle” means a vehicle:

1. Built on a single chassis;
2. Four hundred 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.

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

“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.

“Substantial damage” means damage of any origin sustained by a structure for which the cost of restoration to it’s before damaged condition would equal or exceed fifty percent of the assessedmarket value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, ~~or rehabilitation, addition, or other~~ improvement of a structure, the cost of which equals or exceeds fifty percent of the assessedmarket value of the structure; ~~either:~~

- ~~1. Before the improvement or repair is started; or~~

~~2.—If the structure has been damaged and is being restored, before the damage occurred. For the purposes"start of this definition “construction” of the improvement. This term includes structures which have incurred "substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural partdamage,." regardless of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

actual repair work performed. The term does not, however, include either:

- 1) ~~1.—Any project for improvement of a structure to correct precited-previously identified existing violations of state or local health, sanitary, or safety code specifications whichthat have been previously identified by the local code enforcement official and whichthat are the minimum necessary to assure safe living conditions; or~~
- 2) ~~2.—Any alteration of a "historic structure-listed on," provided that the National Register of Historic Places oralteration will not preclude the structure's continued designation as a State Inventory of Historic Places."historic structure."~~

“Variance” means a grant of relief by a community from the ~~requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter~~ terms of a floodplain management regulation.

“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.

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

(Ord. 018/2017 § 3; Ord. 033/2008 § 3; Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.100 Special flood hazard area development permits

A. A special flood hazard area development permit shall be obtained before construction or development begins within any area of special flood hazard established in MMC 14.01.050. A special flood hazard area development permit shall be required for all structures, including the placement of manufactured homes.

B. Application for a special flood hazard area development permit shall be made on forms furnished by the floodplain manager 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:

1. Elevation in relation to ~~North American Vertical Datum of 1929~~ mean sea level, of the lowest floor (including the basement) of all structures;
2. Elevation in relation to ~~North American Vertical Datum of 1929~~ mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in MMC 14.01.130(B)(2);
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
5. Base flood elevation data; ~~and~~
6. Floodway data, including engineering analysis indicating no rise of the BFE where development is proposed in a floodway; and-
7. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

C. The total fee for the application shall be as established by the city council by periodic resolution. The application form must be completed and submitted with the application fee before issuance of the special flood hazard area development permit will be considered. (Ord. 033/2018 § 7; Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.110 Floodplain manager – Authority.

The mayor shall appoint a floodplain manager to administer and implement this chapter by granting or denying special flood hazard area development permits in accordance with its provisions. (Ord. 033/2018 § 8; Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.120 Floodplain manager – Duties and responsibilities.

Duties of the floodplain manager shall include, but not be limited to:

A. *Permit Review.*

1. Review all permit applications to determine that the special flood hazard area development permit requirements of this chapter have been satisfied.

2. Review all special flood hazard area development permit applications to determine that all necessary permits have been obtained from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Review all special flood hazard area development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of MMC 14.01.150 are met.
4. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in an area of special flood hazard, all new construction and substantial improvements shall (a) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (b) be constructed with materials resistant to flood damage, (c) be constructed by methods and practices that minimize flood damages, and (d) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. Review subdivision proposals and other new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in an area of special flood hazard, any such proposals shall be reviewed to assure that (a) all such proposals are consistent with the need to minimize flood damage within the area of special flood hazard, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided to reduce exposure to flood hazards.

[6. Notify FEMA when annexations occur in the Special Flood Hazard Area.](#)

B. *Use of Other Base Flood Data.* When base flood elevation data has not been provided in accordance with MMC 14.01.050, Basis for establishing the areas of special flood hazard, the floodplain manager obtains, reviews, and reasonably utilizes any base flood elevation and floodway data available from a federal, state or other source, in order to administer MMC 14.01.130, 14.01.140 and 14.01.150.

C. *Information To Be Obtained and Maintained.*

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in subsection (B) of this section, obtain and record the actual elevation (in relation to ~~North American Vertical Datum of 1929~~ 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.
2. For all new or substantially improved floodproofed structures:

a. Verify and record the actual elevation in relation to ~~North American Vertical Datum of 1929~~ mean sea level to which the structure was floodproofed; and

b. Maintain the floodproofing certifications required in MMC 14.01.100.

3. Certification required by the encroachment provisions found at MMC 14.01.150.

4. Records of all variance actions, including justification for their issuance.

5. Improvement and damage calculations.

36. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. *Alteration of Watercourses.*

1. The floodplain manager shall notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

E. *Interpretation of FIRM Boundaries.* The floodplain manager shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in MMC 14.01.170. (Ord. 033/2018 § 9; Ord. 004/2006 § 2; Ord. 021/2005 § 1)

F. *Changes to Special Flood Hazard Area.*

1. 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.

2. 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.

14.01.130 General standards.

A. In all areas of special flood hazards, the following provisions are required:

1. *Anchoring.*

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes must 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, and those listed in FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook. The anchoring requirement is in addition to applicable requirements for resisting wind forces.

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 floodwaters into the system.
- b. Water wells shall be located outside of the floodway.
- c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- d. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. *Subdivision Proposals.*

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.

- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least fifty lots or five acres (whichever is less).

5. Storage of Materials and Equipment

- a. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas
- b. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

6. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits 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. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

B. In all areas of special flood hazards where base flood elevation data has been provided as set forth in MMC 14.01.050 or 14.01.120(B), 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 one foot or more above base flood elevation. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above base flood elevation.
- b. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding 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:

- i. Provide 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;
- 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 floodwaters.

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 floodwaters.

c. New construction and substantial improvements 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.

2. *Nonresidential Construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

- a. Be dry floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Have a certification 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 section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the city engineer;
- d. Nonresidential structures that are elevated, but not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1) of this section;
- e. 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 level will be rated as at the base flood level);
- f. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding 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 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, and
- ii. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

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

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 floodwaters.

g. For all new construction and substantial improvement 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.

3. *Manufactured Homes.*

a. All manufactured homes that are placed or substantially improved ~~within zones A1-30, AH, and AE on the community's FIRM~~ on sites that are:

- 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;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to 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.

b. All manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision ~~within Zones A1-30, AH, and AE on the community's~~

~~FIRM~~ that are not subject to the provisions of subsection (B)(3)(a) of this section must be elevated so that either:

- i. The lowest floor of the manufactured home is elevated one foot or more~~at or~~ 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 thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4. *Recreational Vehicles.*

a. Recreational vehicles placed on sites ~~within Zones A1-30, AH, and AE on the community's~~ FIRM are required to either:

- i. Be on the site for fewer than one hundred eighty consecutive days;
- ii. Be fully licensed and ready for highway use; or
- iii. Meet the permit requirements of MMC 14.01.100 and the elevation and anchoring requirements for “manufactured homes” in subsection (B)(3) of this section.

b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (Ord. 018/2017 § 4; Ord. 004/2006 § 2; Ord. 021/2005 § 1)

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.

14.01.140 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. Critical facilities constructed within the special flood hazard area shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. 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 special flood hazard area shall be provided to all critical facilities to the extent possible. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.150 Floodways.

Within areas of special flood hazard established in MMC [14.01.050](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway are prohibited 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 when combined with all other existing and anticipated development would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area;
2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure, either:
 - a. Before the repair or reconstruction is started, or
 - b. If the structure has been damaged, and is being restored, before the damage occurred; and
3. Work done on structures to comply with existing health, sanitary or safety codes or to structures identified as historic places.

C. If subsection [\(A\)](#) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of MMC [14.01.130\(A\)](#).

D. In areas with base flood elevations (but in which 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 Flood Insurance Rate Map, 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.

E. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.155 Density fringe areas.

Development within areas designated as density fringe areas within the city of Monroe will be regulated the same as other areas of special flood hazard located within floodways. (Ord. 018/2017 § 5)

14.01.160 Variances.

A. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

B. The hearing examiner, after examining the applicant's hardships, shall approve or disapprove a request for a variance. Procedures for the granting of variances by the hearing examiner are as follows:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. 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;
3. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
4. Variances may be issued for the repair or rehabilitation 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;
5. Variances are generally limited to a lot size less than one-half acre; as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. 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 base flood level, in conformance with the procedures of this subsection and subsections [\(B\)\(1\)](#) and [\(2\)](#), [\(C\)](#) and [\(D\)](#) of this section;

6. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that:

- a. The criteria of this subsection and subsections [\(B\)\(1\)](#), [\(2\)](#), [\(3\)](#) and [\(5\)](#) of this section are met, and
- b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

C. The floodplain manager shall notify the applicant in writing that:

1. The issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and
2. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in subsection [\(D\)](#) of this section.

D. The floodplain manager shall:

1. Maintain a record of all variance actions, including justification for their issuance; and
2. Report such variances issued in the city's annual or biennial report submitted to the Federal Insurance Administrator.

E. The Federal Insurance Administrator may review the hearing examiner's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound floodplain management, the Federal Insurance Administrator may take appropriate action under [44 CFR 59.24\(b\)](#).

F. The variance criteria above are meant to incorporate the federal requirements for variances as specified in [44 CFR 60.6](#) as now or hereafter amended. To the extent that requirements of this section or MMC [14.01.170](#) conflict with or omit requirements of [44 CFR 60.6](#) as now or hereafter amended, the terms of [44 CFR 60.6](#) shall govern. (Ord. 033/2018 § 10; Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.170 Appeals procedures.

A. *Administrative Appeals.*

1. The hearing examiner shall have the authority to hear and decide appeals from any order, requirement, permit, decision or determination made by the floodplain manager or designee in the administration and enforcement of provisions of this title.
2. Appeals from the floodplain manager's order, requirement, permit, decision, or determination may be taken to the hearing examiner by any person aggrieved. The appeal shall be filed in writing, in duplicate, in original form with the city clerk within ten days of the date of the action being appealed. Upon filing an appeal, a place and time for the hearing not more than thirty days from such notice of appeal shall be set by the hearing examiner.
3. The hearing examiner may, in conformity with this title or other applicable ordinances, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and may rule on the order, requirement, decision or determination as necessary. To that end, the hearing examiner shall have all the power of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned.
4. The decision of the hearing examiner on an administrative appeal shall be final and conclusive.

B. *Appeal of Variances.*

1. There shall be no administrative appeal of the hearing examiner's decision on a requested variance under this chapter.
2. The floodplain manager shall maintain the records of all variances granted under this chapter and shall report any variances to the Federal Insurance Administrator upon request.

C. *Judicial Appeal.* Appeals from the final decision of the hearing examiner under this chapter shall be made to Snohomish County superior court in accordance with Chapter [36.70C](#) RCW. (Ord. 033/2018 § 11; Ord. 011/2017 § 2; Ord. 004/2006 § 2; Ord. 021/2005 § 1)

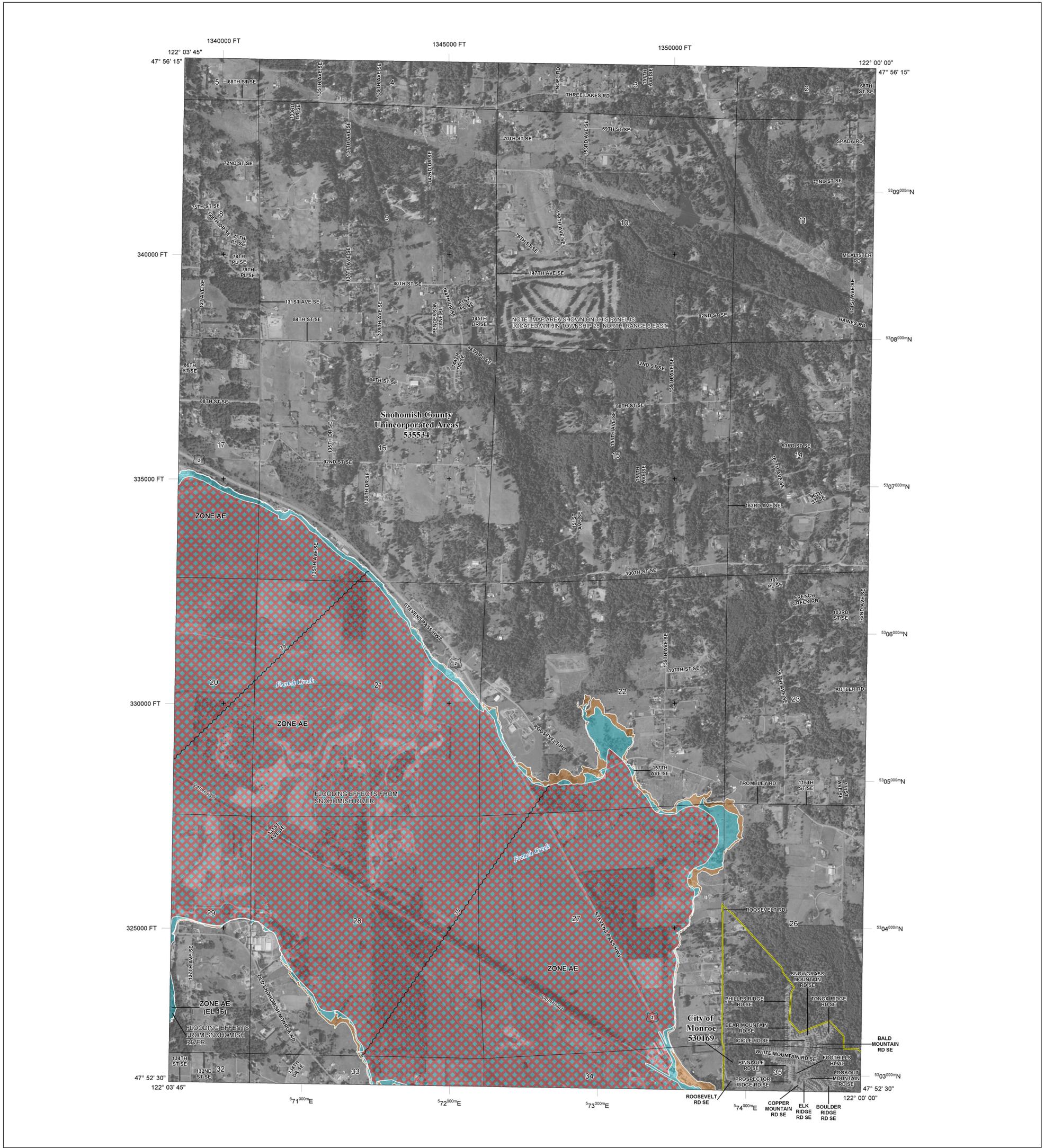
14.01.180 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance to the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter (including violations of conditions and safeguards established in connection conditions) shall constitute a misdemeanor as defined in RCW [9A.20.010](#). Violators shall pay all costs and expenses involved in the case. Nothing contained in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.190 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any Section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

~~If any section, sentence, clause or phrase of this chapter should be 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 chapter. (Ord. 018/2017 § 6)~~



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP
 THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING
 DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

	Without Base Flood Elevation (BFE) Zone A,V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee See Notes. Zone X
	Areas Determined to be Outside the 0.2% Annual Chance Floodplain Zone X
	Area of Undetermined Flood Hazard Zone D
	Channel, Culvert, or Storm Sewer Accredited or Provisionally Accredited Levee, Dike, or Floodwall
	Non-accredited Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
	Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

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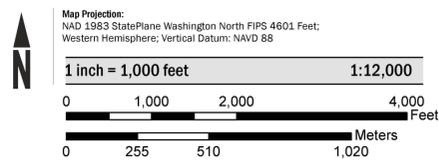
For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

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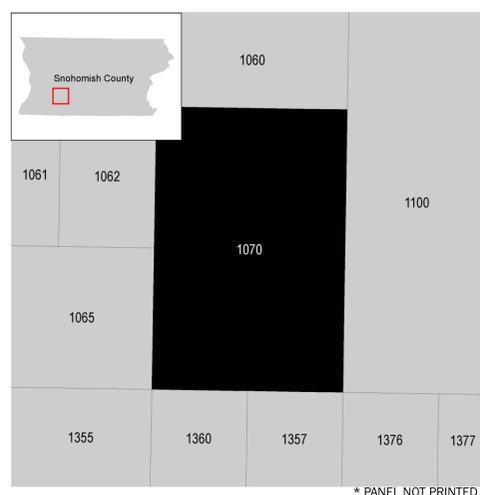
Base map information shown on this panel was provided by the USDA-FSA Aerial Photography Field Office. This information was derived from digital orthophotography at a scale of 1:12,000 and 1-meter pixel resolution from photography dated 2009.

Density Fringe Area

SCALE



PANEL LOCATOR



National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP

SNOHOMISH COUNTY, WASHINGTON
 AND INCORPORATED AREAS

PANEL 1070 of 1575

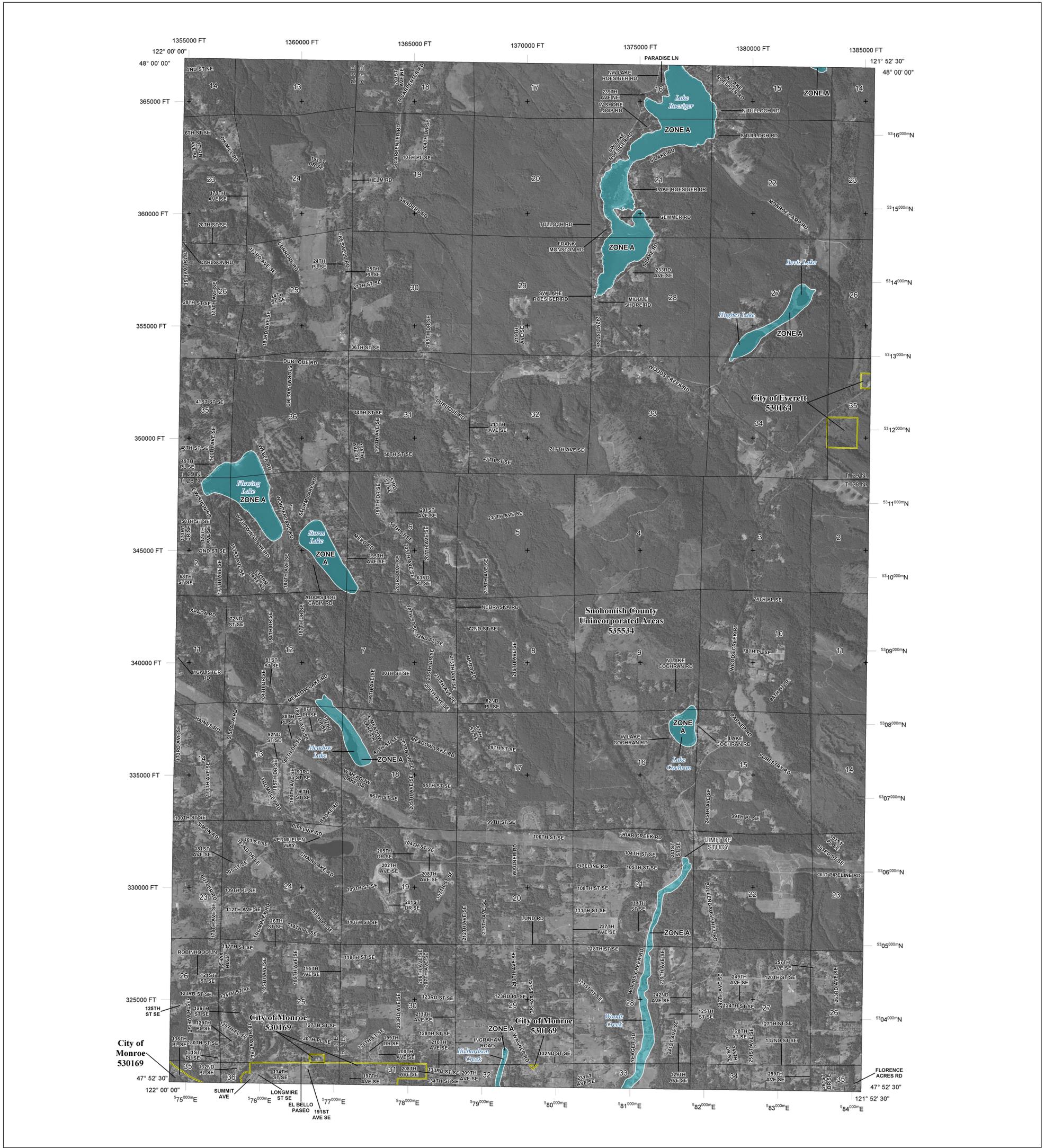
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
MONROE, CITY OF	530169	1070	G
SNOHOMISH COUNTY	535534	1070	G

VERSION NUMBER
2.3.2.1

MAP NUMBER
53061C1070G

MAP REVISED
JUNE 19, 2020



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP
 THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING
 DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee See Notes. Zone X
OTHER AREAS		Areas Determined to be Outside the 0.2% Annual Chance Floodplain Zone X
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer Accredited or Provisionally Accredited Levee, Dike, or Floodwall
		Non-accredited Levee, Dike, or Floodwall
		18.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
		Coastal Transect
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
OTHER FEATURES		Limit of Study
		Jurisdiction Boundary

NOTES TO USERS

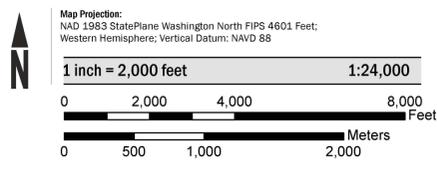
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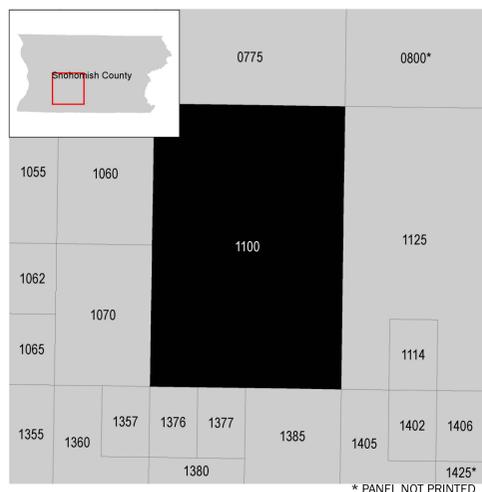
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SCALE



PANEL LOCATOR



National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP

SNOHOMISH COUNTY, WASHINGTON
 AND INCORPORATED AREAS

PANEL 1100 OF 1575

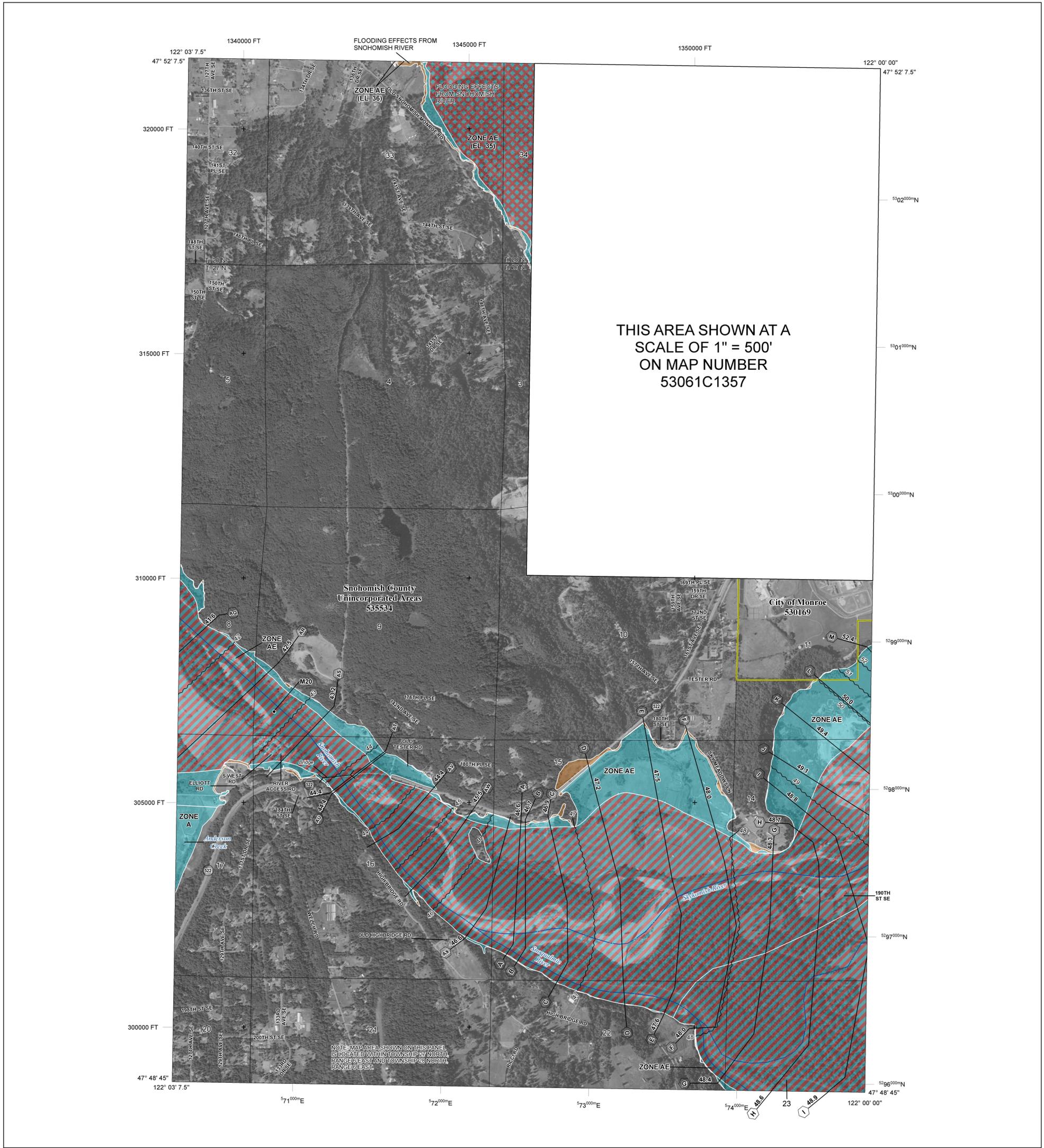
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
EVERETT, CITY OF	530164	1100	F
MONROE, CITY OF	530169	1100	F
SNOHOMISH COUNTY	535534	1100	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
53061C1100F

MAP REVISED
JUNE 19, 2020



FLOOD HAZARD INFORMATION

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	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee See Notes. Zone X
	Areas Determined to be Outside the 0.2% Annual Chance Floodplain Zone X
	Area of Undetermined Flood Hazard Zone D
	Channel, Culvert, or Storm Sewer Accredited or Provisionally Accredited Levee, Dike, or Floodwall
	Non-accredited Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
	Coastal Transect
	Profile Baseline
	Hydrographic Feature
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

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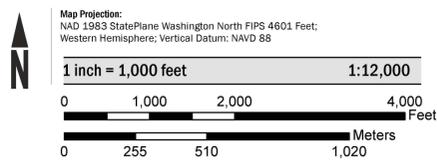
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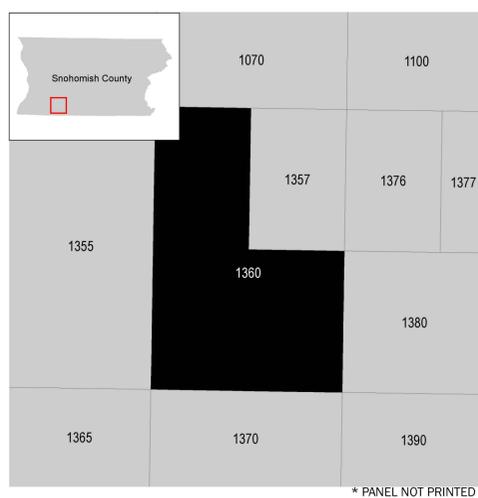
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- Density Fringe Area
- M4.0 River Mile Marker

SCALE



PANEL LOCATOR



National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

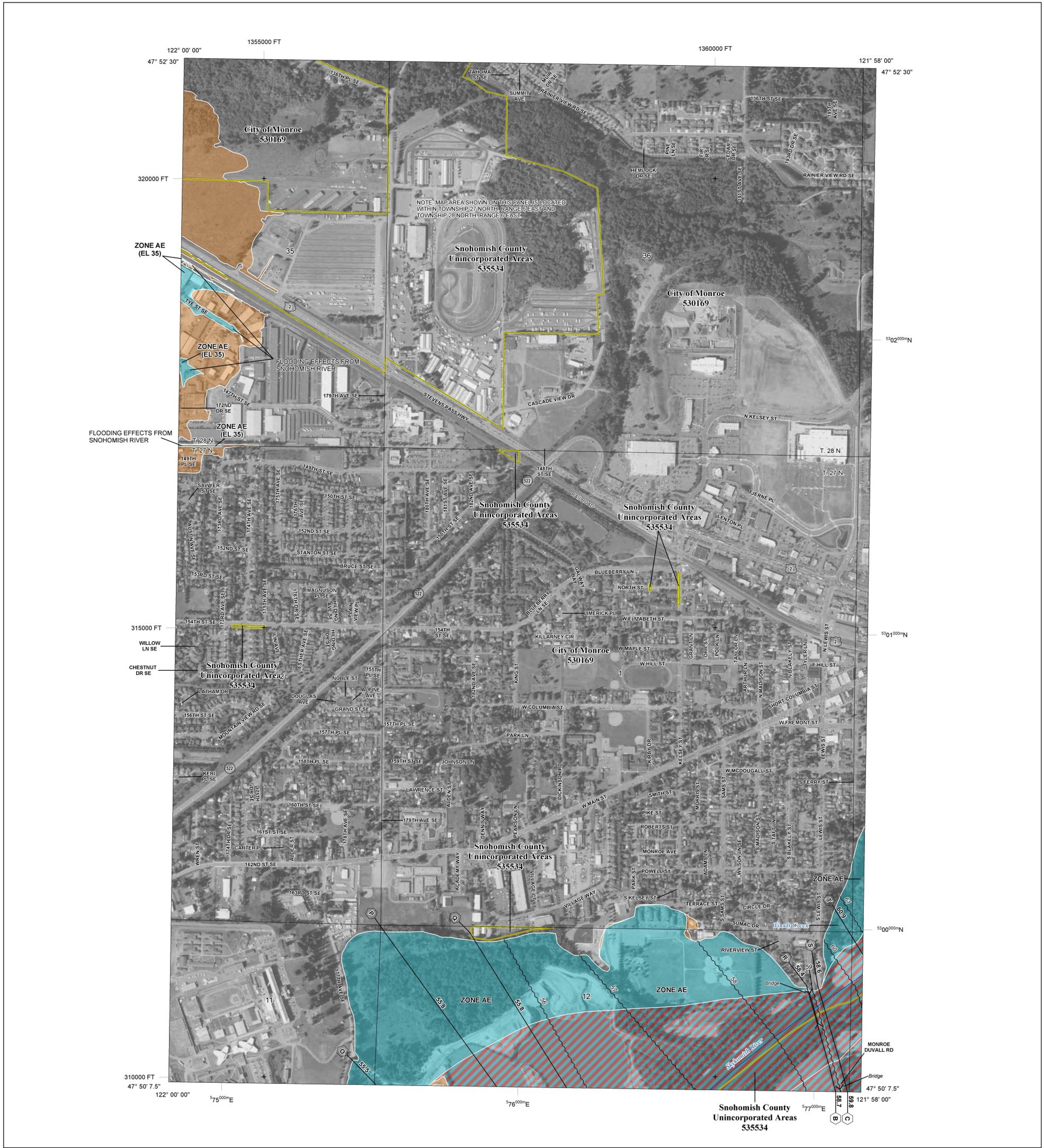
SNOHOMISH COUNTY, WASHINGTON
AND INCORPORATED AREAS

PANEL 1360 OF 1575

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
MONROE, CITY OF SNOHOMISH COUNTY	530169 535534	1360 1360	G G

VERSION NUMBER
2.3.2.1
MAP NUMBER
53061C1360G
MAP REVISED
JUNE 19, 2020



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP
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SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
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		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee See Notes. Zone X
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GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer Accredited or Provisionally Accredited Levee, Dike, or Floodwall
		Non-accredited Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
		Coastal Transect
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
OTHER FEATURES		Limit of Study
		Jurisdiction Boundary

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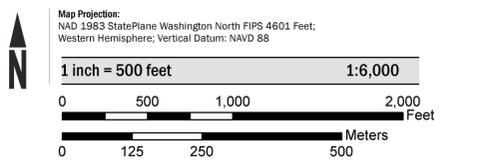
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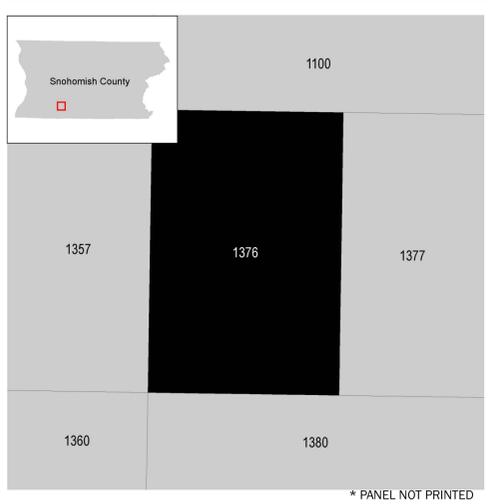
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SCALE



PANEL LOCATOR



National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP

SNOHOMISH COUNTY, WASHINGTON
 AND INCORPORATED AREAS

PANEL 1376 of 1575

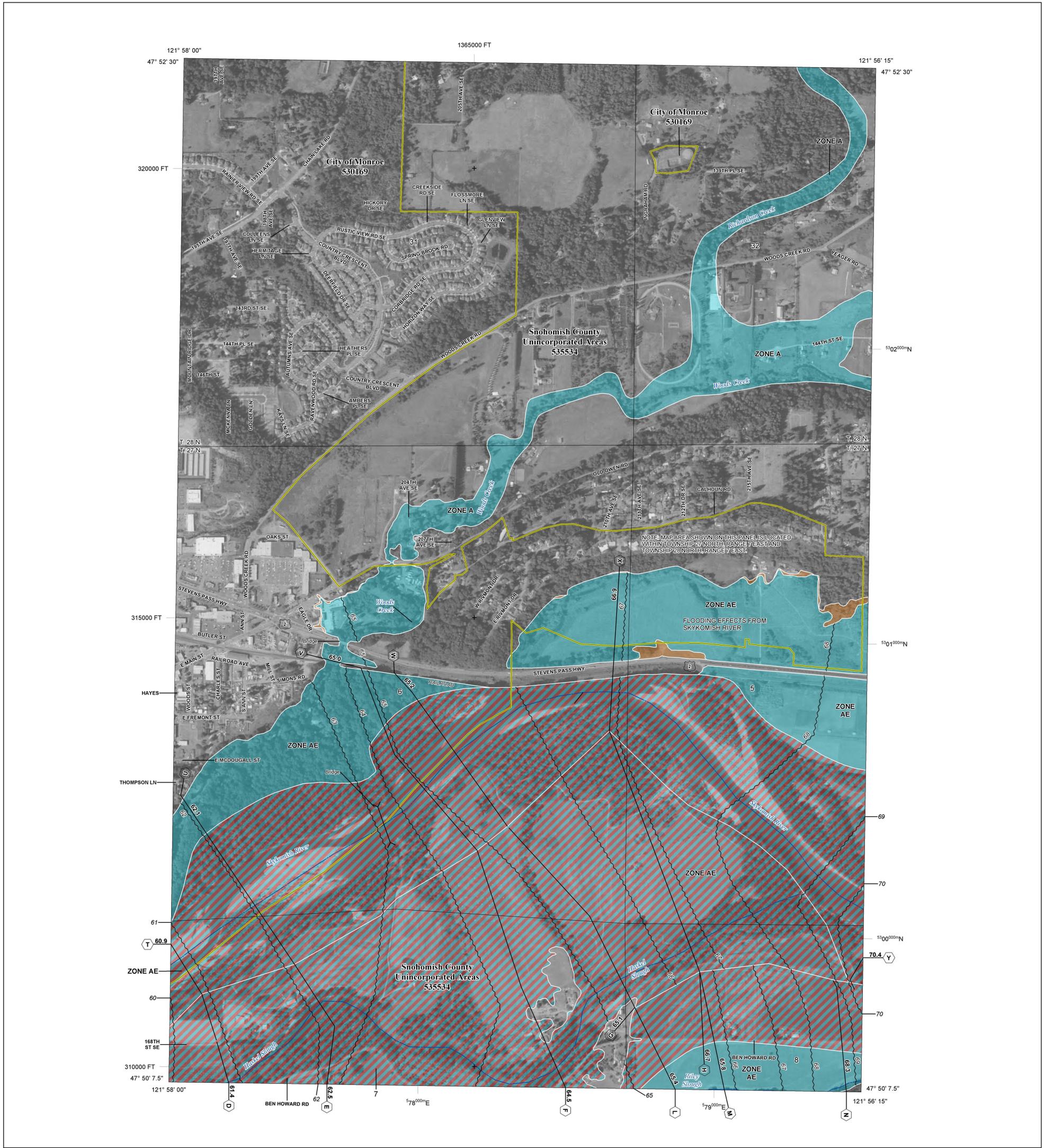
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
MONROE, CITY OF SNOHOMISH COUNTY	530169	1376	G
	535534	1376	G

VERSION NUMBER
2.3.2.1

MAP NUMBER
53061C1376G

MAP REVISED
JUNE 19, 2020



FLOOD HAZARD INFORMATION

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		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
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		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Accredited or Provisionally Accredited Levee, Dike, or Floodwall
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		Coastal Transect
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
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		Jurisdiction Boundary

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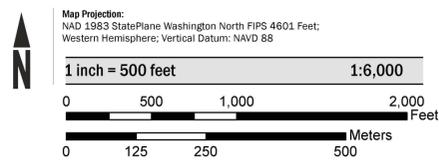
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SCALE



PANEL LOCATOR



FEMA
 National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP

SNOHOMISH COUNTY, WASHINGTON
 AND INCORPORATED AREAS

PANEL 1377 OF 1575

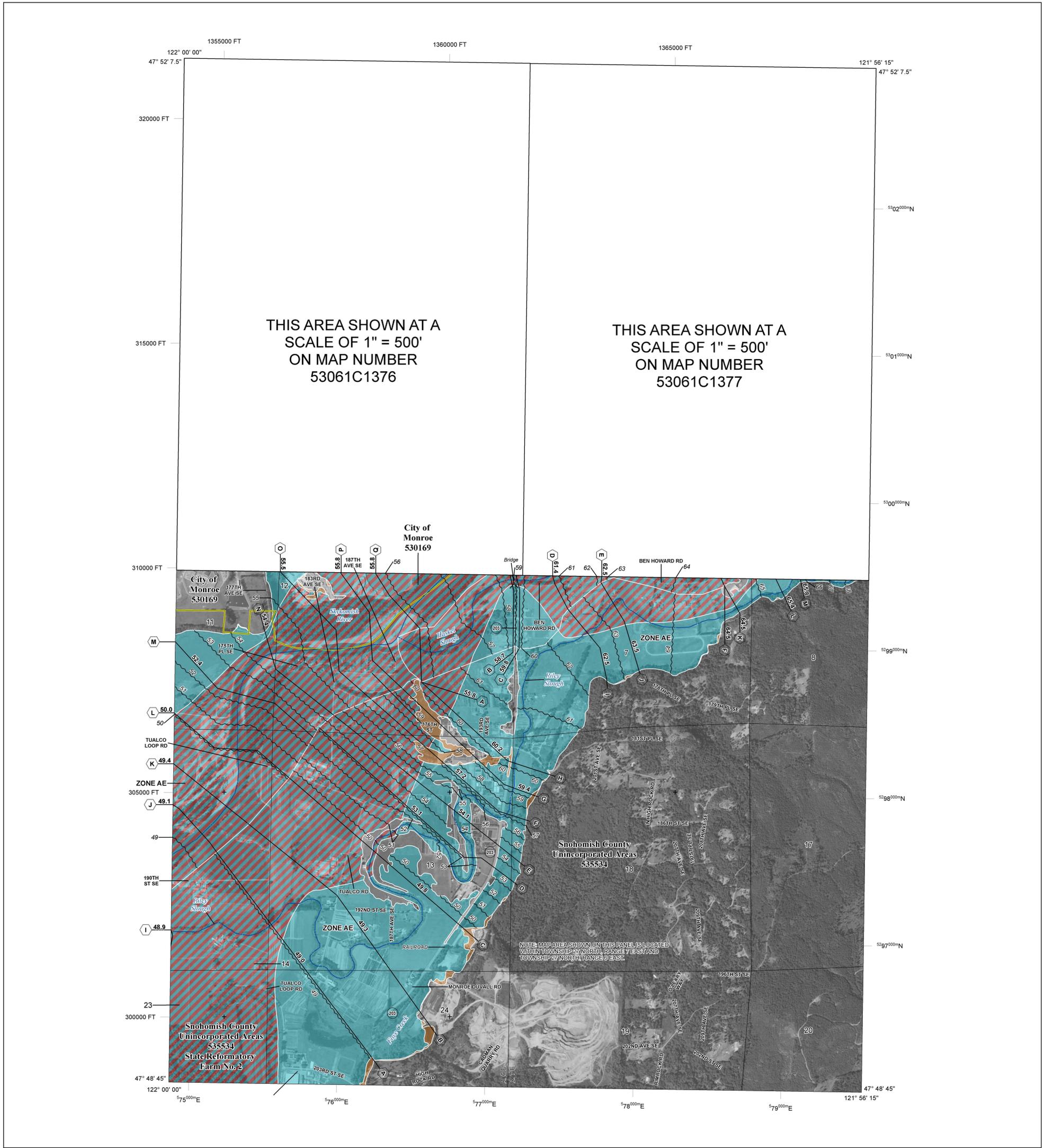
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
MONROE, CITY OF	530169	1377	F
SNOHOMISH COUNTY	535534	1377	F

VERSION NUMBER
 2.3.2.1

MAP NUMBER
 53061C1377F

MAP REVISED
 JUNE 19, 2020



FLOOD HAZARD INFORMATION

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GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
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		Non-accredited Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
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		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
OTHER FEATURES		Limit of Study
		Jurisdiction Boundary

NOTES TO USERS

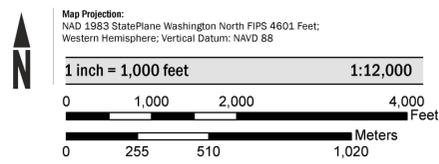
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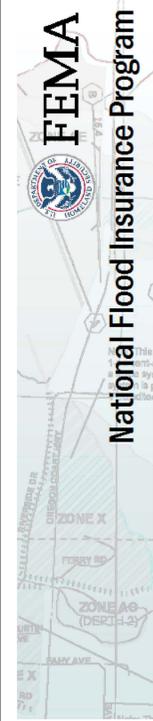
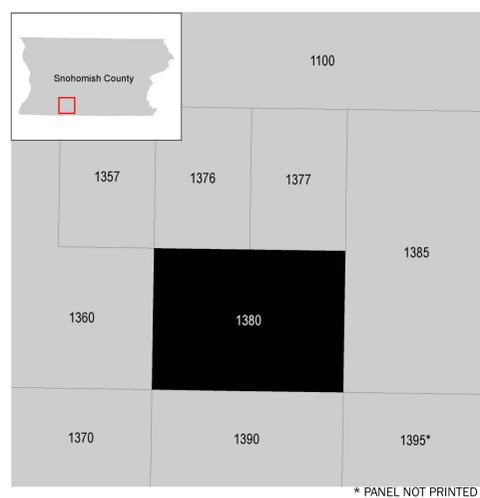
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SCALE



PANEL LOCATOR



NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP

SNOHOMISH COUNTY, WASHINGTON
 AND INCORPORATED AREAS

PANEL 1380 OF 1575

COMMUNITY	NUMBER	PANEL	SUFFIX
MONROE, CITY OF SNOHOMISH COUNTY	530169 535534	1380 1380	F F

Panel Contains:

VERSION NUMBER
 2.3.2.1
 MAP NUMBER
 53061C1380F
 MAP REVISED
 JUNE 19, 2020



CITY OF MONROE PLANNING COMMISSION STAFF ANALYSIS

A. GENERAL APPLICATION INFORMATION

File Number(s):	CA2020-01 (associated with SEPA2020-03)
Project Summary:	Proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA).
Applicant:	City of Monroe
Location:	City-wide properties located in the special flood hazard areas. The City of Monroe is approximately 14 miles east of the City of Everett on US Route 2 and 22 miles north of the City of Seattle on State Route 522.
Public Hearing Date and Location:	Monday, April 27, 2020, at 7:00 PM via Zoom Virtual Meeting Platform
Staff Contact:	Anita Marrero, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4513 amarrero@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The City of Monroe is proposing text amendments to Chapter 14.01 of the Monroe Municipal Code (MMC), Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA). The City is required to adopt both the updated Flood Insurance Rate Maps (FIRMs) and to update the flood damage prevention ordinance in order to remain in good standing with the National Flood Insurance Program (NFIP). This is a nonproject action.

C. REVIEW PROCESS

1. Overview

MMC Table 22.84.060(B)(1): Project Permit Types, designates code amendments as Type IV project permits. Type IV permits require that the Planning Commission review the proposal and make a recommendation to the final decision authority, which is the City Council. The City is proposing amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA). Therefore, a Planning Commission public hearing and recommendation to the City Council is required. The required public hearing in front of the Planning Commission was held on April 27, 2020.

Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council. According to MMC 22.84.030(D)(2), the Planning Commission shall make a written recommendation to the City Council regarding Type IV actions at the close of their final public hearing or at their next scheduled meeting. The written

recommendation to the City Council shall be one of the following:

- a. Recommendation for additional time and/or resources on the application;
- b. Recommendation of approval of the legislative action;
- c. Recommendation of approval of the legislative action with modifications; or
- d. Recommendation of denial of the legislative action.

No earlier than May 12, 2020, the City Council will hold a first reading to consider the Commission's recommendation. Per MMC Table 22.84.060(B)(2), Decision-Making and Appeal Authorities, the City Council is the City's final decision authority on the proposed code amendments. The decision may be appealed subject to the judicial appeal provisions in MMC 22.84.080(D), Judicial Appeals.

2. Public Notification and Comments

- a. **Department of Commerce:** The proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on March 9, 2020. Expedited review (14 days rather than 60 days) was requested.
- b. **Notice of Public Hearing:** Notice of Public Hearing was provided in accordance with MMC 22.84.050(C) by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Everett Daily Herald on April 17, 2020.

3. State Environmental Policy Act (SEPA) Review

Pursuant to WAC 197-11-704, the proposal is classified as a nonproject action under the State Environmental Policy Act. Nonproject actions involve "decisions on policies, plans, or programs," which includes the adoption of zoning ordinances [WAC 197-11-704(b)(ii)]. A SEPA Determination of Non-Significance (DNS) was issued on the proposed code amendments on March 7, 2020. The public comment and appeal periods for the DNS ended at 5:00 PM on March 21, 2020. No comments or appeals were received.

4. Public Hearing

The public hearing on this matter was held in front of the Planning Commission on April 27, 2020 at 7:00 PM via Zoom Virtual Meeting Platform. No written comments were received prior to the public hearing.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to MMC 22.72.040(E), Decision Criteria, an amendment to the unified development regulations shall not be granted unless the applicant demonstrates that all of the following criteria are met:

1. The proposed amendment to the development regulations is consistent with the policies and provisions of the Monroe comprehensive plan;
2. The amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title;
3. The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district;
4. The proposed amendment advances the public interest of the community;
5. The amendment does not adversely affect public health, safety, or welfare; and
6. The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.
7. In addition to those criteria in MMC 22.72.040(E)(1-6), amendments to the official zoning map (rezones) shall also meet all of the following criteria:
 - a. The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;
 - b. The amendment is compatible with the uses and zoning of the adjacent properties;

- c. The proposed reclassification does not constitute a “spot” zone;
- d. Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
- e. The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or, the unmitigated impacts are acceptable; and
- f. The proposed reclassification is an extension of an existing zone, or a logical transition between zones.

The following **Findings of Fact** have been made about the proposed code amendments, and the resulting **Conclusions of Law** were established from the Findings of Fact:

1. The proposed amendment to the development regulations is consistent with the policies and provisions of the Monroe comprehensive plan.

- a. **Findings of Fact:** The adopted 2015 – 2035 Monroe Comprehensive Plan contains applicable goals and policies, as shown below.

Policy/Action Item Number	Policy/Action Item Text
P.010	Manage land use development to reduce downstream urban flooding.
P.011	Require special site plan review of proposed development in geological and flood hazard areas. Evaluate alternative development options where determined necessary.
P.021	Participate in the National Flood Insurance Program Community Rating System.
P.042	Consider flood control strategies that preserve full function and do not negatively impact adjacent properties when evaluating development proposals.

- b. **Conclusions of Law:** Staff concludes the proposed amendment to the development regulations is consistent with policies and provisions of the Monroe comprehensive plan.

2. The amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title.

- a. **Findings of Fact:** The proposed amendments would modify the flood hazard area regulations to meet the minimum federal and state regulation requirements that must be contained in local flood regulations. Section 1612.4 of the 2015 International Building Code (IBC) and Section 1612.2 of the 2018 International Building Code incorporate the design and construction standards of ASCE 24 published by the American Society of Civil Engineers. ASCE 24-14 tables 1-1, 2-1, 4-1, and 6-1 contain specific building elevation requirements which exceed minimum NFIP standards.
- b. **Conclusions of Law:** Staff concludes the amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title.

3. The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district.

- a. **Findings of Fact:** The proposal is not site-specific. This criterion does not apply.
- b. **Conclusions of Law:** The proposal is not site-specific. This criterion does not apply.

4. The proposed amendment advances the public interest of the community.

- a. **Findings of Fact:** The proposed amendments would advance the public interest of the community by allowing the City to remain in good standing with the National Flood Insurance Program (NFIP). The City’s participation in the NFIP program allows the City,

property owners, businesses, and renters in flood-prone areas to obtain insurance and disaster assistance.

- b. **Conclusions of Law:** Staff concludes the proposed amendment advances the public interest of the community.

5. The amendment does not adversely affect public health, safety, or welfare.

- a. **Findings of Fact:** The proposed amendments incorporate required changes as mandated by FEMA. The implementation of the NFIP is of paramount importance to ensure that the safety and welfare of the residents of Monroe and their properties are protected. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize the public and private losses due to flood conditions in specific areas by participating in and maintaining eligibility for flood insurance and disaster relief.
- b. **Conclusions of Law:** Staff concludes the amendment does not adversely affect public health, safety, or welfare.

6. The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.

- a. **Findings of Fact:** The proposal to amend MMC 14.01 is warranted because of changed circumstances. On December 19, 2019, the Federal Emergency Management Agency (FEMA) sent the City correspondence relating to the new Snohomish countywide Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) that will become effective for the City of Monroe on June 19, 2020. The City is required to adopt both the updated FIRMs and to update the flood damage prevention ordinance, within six (6) months of the issuance of the Letter of Final Determination, in order to remain in good standing with the NFIP.
- b. **Conclusions of Law:** Staff concludes the amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.

7. In addition to those criteria in MMC 22.72.040(E)(1-6), amendments to the official zoning map (rezones) shall also meet all of the following criteria:

- a. *The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;*
- b. *The amendment is compatible with the uses and zoning of the adjacent properties;*
- c. *The proposed reclassification does not constitute a “spot” zone;*
- d. *Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;*
- e. *The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or, the unmitigated impacts are acceptable; and*
- f. *The proposed reclassification is an extension of an existing zone, or a logical transition between zones.*
- i. **Findings of Fact:** The proposal does not include an amendment to the official zoning map. This criterion does not apply.
- ii. **Conclusions of Law:** The proposal does not include an amendment to the official zoning map. This criterion does not apply.

E. STAFF RECOMMENDATION

Based on the analysis and findings included herein, staff recommends to the Planning Commission the following:

Move to **DIRECT** staff to draft Findings of Fact and Conclusions of Law for the Planning Commission that **RECOMMEND** that the Monroe City Council **APPROVE** the proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations.



City of Monroe
806 West Main Street, Monroe, WA 98272
Phone (360) 794-7400 Fax (360) 794-4007
www.monroewa.gov

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND

1. Name of proposed project, if applicable:
Amendments to Monroe Municipal Code (MMC) Chapter 14.01, Flood Hazard Area Regulations.
2. Name of applicant:
City of Monroe
3. Address and phone number of applicant and contact person:
**Anita Marrero, Senior Planner
806 West Main Street
Monroe, WA 98272
(360) 863-4513
amarrero@monroewa.gov**
4. Date checklist prepared:
March 5, 2020
5. Agency requesting checklist:
City of Monroe
6. Proposed timing or schedule (including phasing, if applicable):
The proposal is for amendments to the City's existing development regulations. Code amendments require a public hearing before the Planning Commission and final approval by the City Council. The public hearing before the Planning Commission is tentatively scheduled to take place on March 23, 2020. The City Council's first reading of the ordinance is tentatively scheduled for April 14, 2020 with a final reading on April 28, 2020.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
Not at this time.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
This SEPA Checklist.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
None at this time.
10. List any government approvals or permits that will be needed for your proposal, if known.
The proposed code amendments will be considered by the Planning Commission, which forwards a recommendation to the City Council. The City Council is the final decision authority for code amendments in the City. Additional reviews will be conducted by the Department of Commerce and other state agencies that are required to consider amendments to development regulations.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description).

The City of Monroe is proposing text amendments to Chapter 14.01 of the Monroe Municipal Code (MMC), Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA). The City is required to adopt both the updated Flood Insurance Rate Maps (FIRMs) and to update the flood damage prevention ordinance in order to remain in good standing with the National Flood Insurance Program (NFIP). This is a nonproject action.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

City-wide properties located in the special flood hazard areas. The City of Monroe is approximately 14 miles east of the City of Everett on US Route 2 and 22 miles north of the City of Seattle on State Route 522.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site:
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____
The proposal is a nonproject action. This does not apply.
- b. What is the steepest slope on the site (approximate percent slope)?
The proposal is a nonproject action. This does not apply.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
The proposal is a nonproject action. This does not apply.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
The proposal is a nonproject action. This does not apply.
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
The proposal is a nonproject action. This does not apply.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
The proposal is a nonproject action. This does not apply.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
The proposal is a nonproject action. This does not apply.
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
The proposal is a nonproject action. This does not apply.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
The proposal is a nonproject action. This does not apply.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
The proposal is a nonproject action. This does not apply.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
The proposal is a nonproject action. This does not apply.

3. Water

- a. Surface Water:
 - 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
The proposal is a nonproject action. This does not apply.
 - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
The proposal is a nonproject action. This does not apply.
 - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
The proposal is a nonproject action. This does not apply.
 - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
The proposal is a nonproject action. This does not apply.
 - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
The proposal is a nonproject action. This does not apply.
 - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
The proposal is a nonproject action. This does not apply.
- b. Ground Water:
 - 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

The proposal is a nonproject action. This does not apply.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

The proposal is a nonproject action. This does not apply.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

The proposal is a nonproject action. This does not apply.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

The proposal is a nonproject action. This does not apply.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

The proposal is a nonproject action. This does not apply.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

The proposal is a nonproject action. This does not apply.

4. Plants

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

The proposal is a nonproject action. This does not apply.

b. What kind and amount of vegetation will be removed or altered?

The proposal is a nonproject action. This does not apply.

c. List threatened and endangered species known to be on or near the site.

The proposal is a nonproject action. This does not apply.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The proposal is a nonproject action. This does not apply.

- e. List all noxious weeds and invasive species known to be on or near the site.

The proposal is a nonproject action. This does not apply.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

The proposal is a nonproject action. This does not apply.

- b. List any threatened and endangered species known to be on or near the site.

The proposal is a nonproject action. This does not apply.

- c. Is the site part of a migration route? If so, explain.

The proposal is a nonproject action. This does not apply.

- d. Proposed measures to preserve or enhance wildlife, if any:

The proposal is a nonproject action. This does not apply.

- e. List any invasive animal species known to be on or near the site.

The proposal is a nonproject action. This does not apply.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The proposal is a nonproject action. This does not apply.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

The proposal is a nonproject action. This does not apply.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

The proposal is a nonproject action. This does not apply.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

The proposal is a nonproject action. This does not apply.

- 1) Describe any known or possible contamination at the site from present or past uses.
The proposal is a nonproject action. This does not apply.
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
The proposal is a nonproject action. This does not apply.
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
The proposal is a nonproject action. This does not apply.
- 4) Describe special emergency services that might be required.
The proposal is a nonproject action. This does not apply.
- 5) Proposed measures to reduce or control environmental health hazards, if any:
The proposal is a nonproject action. This does not apply.

- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
The proposal is a nonproject action. This does not apply.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
The proposal is a nonproject action. This does not apply.
- 3) Proposed measures to reduce or control noise impacts, if any:
The proposal is a nonproject action. This does not apply.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The proposal is a nonproject action. This does not apply.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The proposal is a nonproject action. This does not apply.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

The proposal is a nonproject action. This does not apply.

- c. Describe any structures on the site.
The proposal is a nonproject action. This does not apply.
- d. Will any structures be demolished? If so, what?
The proposal is a nonproject action. This does not apply.
- e. What is the current zoning classification of the site?
The proposal is a nonproject action. This does not apply.
- f. What is the current comprehensive plan designation of the site?
The proposal is a nonproject action. This does not apply.
- g. If applicable, what is the current shoreline master program designation of the site?
The proposal is a nonproject action. This does not apply.
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
The proposal is a nonproject action. This does not apply.
- i. Approximately how many people would reside or work in the completed project?
The proposal is a nonproject action. This does not apply.
- j. Approximately how many people would the completed project displace?
The proposal is a nonproject action. This does not apply.
- k. Proposed measures to avoid or reduce displacement impacts, if any:
The proposal is a nonproject action. This does not apply.
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
The proposal is a nonproject action. This does not apply.
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:
The proposal is a nonproject action. This does not apply.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
The proposal is a nonproject action. This does not apply.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
The proposal is a nonproject action. This does not apply.

- c. Proposed measures to reduce or control housing impacts, if any:
The proposal is a nonproject action. This does not apply.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
The proposal is a nonproject action. This does not apply.
- b. What views in the immediate vicinity would be altered or obstructed?
The proposal is a nonproject action. This does not apply.
- c. Proposed measures to reduce or control aesthetic impacts, if any:
The proposal is a nonproject action. This does not apply.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
The proposal is a nonproject action. This does not apply.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
The proposal is a nonproject action. This does not apply.
- c. What existing off-site sources of light or glare may affect your proposal?
The proposal is a nonproject action. This does not apply.
- d. Proposed measures to reduce or control light and glare impacts, if any:
The proposal is a nonproject action. This does not apply.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
The proposal is a nonproject action. This does not apply.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
The proposal is a nonproject action. This does not apply.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
The proposal is a nonproject action. This does not apply.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.
The proposal is a nonproject action. This does not apply.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
The proposal is a nonproject action. This does not apply.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
The proposal is a nonproject action. This does not apply.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.
The proposal is a nonproject action. This does not apply.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
The proposal is a nonproject action. This does not apply.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
The proposal is a nonproject action. This does not apply.
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
The proposal is a nonproject action. This does not apply.
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
The proposal is a nonproject action. This does not apply.
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
The proposal is a nonproject action. This does not apply.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?
The proposal is a nonproject action. This does not apply.
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed code amendments are not anticipated to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

Proposed measures to avoid or reduce such increases are:

Since no impacts have been identified, no mitigation measures are proposed. Any impacts at the project level will follow applicable state, federal, and local law.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed code amendments are not anticipated to affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Since no impacts have been identified, no mitigation measures are proposed. Any impacts at the project level will follow applicable state, federal, and local law.

3. How would the proposal be likely to deplete energy or natural resources?

The adoption of the proposed code amendments is not likely to deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

Since no impacts have been identified, no mitigation measures are proposed. Any impacts at the project level will follow applicable state, federal, and local law.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The adoption of the proposed code amendments is not anticipated to have an impact upon critical areas or other areas designated for special protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Since no impacts have been identified, no mitigation measures are proposed. Any impacts at the project level will follow applicable state, federal, and local law.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed code amendments will not affect land and shoreline use. The use is presently allowed within the City. Interpretation and application of existing code provisions will not change as a result of the proposed amendments. Therefore, incompatible uses are not anticipated.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Since no impacts have been identified, no mitigation measures are proposed. Any impacts at the project level will follow applicable state, federal, and local law.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal will not increase demands on public services and utilities or transportation.

Proposed measures to reduce or respond to such demand(s) are:

Since no impacts have been identified, no mitigation measures are proposed. Any impacts at the project level will follow applicable state, federal, and local law.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Staff is not aware of any conflicts with state, local, or federal laws of the proposed text amendments. They are consistent with the Growth Management Act.



DETERMINATION OF NON-SIGNIFICANCE (DNS)

File Number: SEPA 2020-03 (associated with CA2020-01)

Name of Proposal: Amendments to Monroe Municipal Code (MMC) Chapter 14.01, Flood Hazard Area Regulations.

Description of Proposal: The City of Monroe is proposing text amendments to Chapter 14.01 of the Monroe Municipal Code (MMC), Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA). The City is required to adopt both the updated Flood Insurance Rate Maps (FIRMs) and to update the flood damage prevention ordinance in order to remain in good standing with the National Flood Insurance Program (NFIP).

Proponent(s): City of Monroe, 806 West Main Street, Monroe, WA 98272

Location of Proposal: City-wide properties located in the special flood hazard areas. The City of Monroe is approximately 14 miles east of the City of Everett on US Route 2 and 22 miles north of the City of Seattle on State Route 522.

Lead Agency: City of Monroe

Threshold Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) IS NOT required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public for review upon request at Monroe City Hall, 806 West Main Street, Monroe, WA 98272 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

- There is no comment period for this DNS.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Responsible Official: Ben Swanson, Community Development Director
SEPA Responsible Official
(360) 863-4544
Monroe City Hall
806 West Main Street
Monroe, WA 98272
bswanson@monroewa.gov

Date: 3/5/2020

Signature: 

Date of Issuance: March 7, 2020

Deadline for Submitting Comments: No later than 5:00 p.m. on March 21, 2020

Appeals: You may appeal this determination to the City of Monroe Hearing Examiner at Monroe City Hall, which is located at 806 West Main Street, Monroe, WA 98272, no later than **5:00 p.m. on March 21, 2020**. You should be prepared to make specific factual objections; and you shall set forth the specific reason, rationale, and/or basis for the appeal. Appeals must be made in person on City appeal forms, which are available through the Community Development Department at Monroe City Hall. Appeals must be filed in original form in accordance with MMC Chapter 22.84. Payment of the appeal fee, as specified in the city's fee resolution, shall occur at the time the appeal is filed. Please contact Kim Shaw, Land Use Permit Supervisor, by email at kshaw@monroewa.gov or by phone at (360) 863-4532 to read or ask about the procedures for SEPA appeals.

Staff Contact: Questions about the proposal may be directed to Anita Marrero, Senior Planner, at amarrero@monroewa.gov or (360) 863-4513.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

03/09/2020

Ms. Anita Marrero
Senior Planner
City of Monroe
806 W Main Street
Monroe, WA 98272

Sent Via Electronic Mail

Re: City of Monroe--2020-S-1273--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Ms. Marrero:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed text amendments to Chapter 14.01 of the Monroe Municipal Code (MMC), Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA).

We received your submittal on 03/05/2020 and processed it with the Submittal ID 2020-S-1273. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 05/04/2020.

You requested expedited review under [RCW 36.70A.106\(3\)\(b\)](#). We have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Michelle Whitfield, (360) 725-3053.

Sincerely,

Review Team
Growth Management Services

From: [Anita Marrero](#)
To: [Anita Marrero](#)
Subject: FW: Monroe Floodplain Management Ordinance Adoption
Date: Thursday, April 16, 2020 1:44:01 PM
Attachments: [image003.png](#)

From: Pilkenton, Roxanne [<mailto:roxanne.reale-pilkenton@fema.dhs.gov>]
Sent: Tuesday, April 14, 2020 7:34 AM
To: Ben Swanson <BSwanson@monroewa.gov>
Cc: Graves, John <John.Graves@fema.dhs.gov>; Harris, Bryr <bryr.harris@fema.dhs.gov>; Radabaugh, David (ECY) <DRAD461@ECY.WA.GOV>
Subject: Monroe Floodplain Management Ordinance Adoption

Hi Mr. Swanson,

A new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) are scheduled to become effective for your community on 19 June 2020. This means that your community must revise and adopt compliant regulations prior to this date. Failure to adopt the FIS and FIRM through revision of local regulations will result in immediate suspension from the National Flood Insurance Program (NFIP). A community that adopts compliant regulations after the above effective date can immediately be reinstated into the NFIP provided that no non-compliant development has taken place during the time the community was suspended.

FEMA understands that, in response to the COVID-19 pandemic, communities are working to slow the spread of the virus through the key strategies of social distancing and postponement or cancelation of large public gatherings. We also understand that a community's adoption of new regulations must involve the participation of its citizens through multiple public meetings with the local planning commission and/or the local board of commissioners. We recognize the current difficulty of fulfilling both responsibilities. Please see the [PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05 – 20-28 Open Public Meetings Act and Public Records Act](#), signed by Jay Inslee, Governor of Washington on 24 March 2020, regarding public meeting resources.

At this time, FEMA does not have the authority to postpone the effective dates of the maps. These dates are set by legislation and federal regulation that require a community to adopt the new FIS and accompanying FIRM within six (6) months of the issuance of the Letter of Final Determination.

FEMA encourages communities to find whatever flexibility is available in their process to ensure that the FIS and FIRM are adopted on time to avoid the difficulties of suspension. Possibilities may include using technology to hold the required meetings online or exercising the authority to either waive or condense the required time between meetings. It may also

help expedite the adoption process if the only proposed regulation changes are those that are the minimum required to maintain membership in the NFIP.

The implementation of the NFIP in local communities is of paramount importance to ensuring that the safety and welfare of your citizens and their property are protected. FEMA is committed to providing whatever technical assistance we can to assist you in the timely adoption of the regulatory revisions required to continue providing this essential service to your community.

Please feel free to contact me with any questions.

Kind regards,

Roxanne Reale-Pilkenton, CFM
Floodplain Management Specialist | Mitigation | Region 10
Office: (425) 487-4654 | Mobile: (202) 341-6948
roxanne.reale-pilkenton@fema.dhs.gov

Federal Emergency Management Agency
fema.gov



Federal Emergency Management Agency (FEMA), Region 10 is committed to providing access, equal opportunity, and reasonable accommodation in its services, programs, activities, education, and employment for individuals with disabilities. To request a disability accommodation contact me at least five (5) working days in advance at 425-487-4654 or roxanne.reale-pilkenton@fema.dhs.gov.