



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 7, 2009

Mr. Tim Holloran
County Administrator
1800 Continental Place
Mount Vernon, WA 98273

Dear Mr. Holloran:

I appreciated the opportunity to meet with County Officials on September 30, 2009 to discuss Skagit County's participation in the National Flood Insurance Program (NFIP). The meeting, called a Community Assistance Visit (CAV), was with you and Gary Christensen and Tim DeVries of your Department of Planning and Development Services. This letter summarizes findings and discussions from the meeting.

A primary purpose of our visit was to assure enforcement by the County of your flood regulations at Chapter 14.34 of the Skagit County Code. Continued enforcement enables FEMA to continue to allow flood insurance to be sold in the County. Other purposes of these visits are to provide you with the most current information on the NFIP and State regulations, and to give your staff a chance to discuss issues concerning the County's floodplain management program.

Our meeting was very productive. It was clear that your Planning and Development Services Department and, particularly Tim DeVries, had an excellent understanding of the NFIP and how floodplain cases need to be handled. Your staff very positively reflects the Class 4 rating Skagit County enjoys in the NFIP Community Rating System, a rating that places the County among the six highest ranking communities in the Country.

One of our two major observations from this CAV was that Skagit County's floodplain management program is functioning at such a high level that few potential violations could be found and floodplains have been managed to assure that inappropriate development has largely been controlled. Our other major observation was that Skagit County's agricultural preservation program has continued to be a very effective adjunct to the County's floodplain management program by continuing to allow only minimal development on farmlands which are, for the most part, also floodplain lands. When the original floodplain maps were developed in the early 1980s, it was concluded that the agricultural preservation mindset that was evident at the time would be the major factor in furthering good floodplain management, and that has certainly been the case as was observed in our field work for this CAV.

Our primary concerns at CAV meetings involve: [1] the currency of local floodplain regulations; [2] procedures for implementing these regulations, and [3] information to document findings from our Field Inspection Report. Our findings related to these concerns follow:



Floodplain Regulations. We reviewed the current version of SCC Chapter 14.34 prior to the meeting. The review confirmed that this chapter was fully compliant with NFIP and State floodplain management regulations. There are several higher regulatory standards that are particularly laudable, such as: the cumulative substantial improvement definition that is now in the code; the requirement for a notice to title for floodplain lands; and the requirement to elevate repetitive loss structures as a condition of a permit for any repair, reconstruction or addition to such structures.

Procedures. In assessing Skagit County's procedures, it was concluded that they were very adequate to implement Chapter 14.34 requirements. Following are some of the practices that highlight the effectiveness of these procedures:

- There are several steps in the permit process where flood maps are read and checked by various County personnel;
- The County has prepared excellent handouts for applicants illustrating difficult concepts in administering Chapter 14.34, such as below-grade crawlspace requirements;
- The FEMA Elevation and Floodproofing Certificates are required by ordinance, the County provides the important Section B information, and an Elevation Certificate is required before framing and at final inspection.
- Peer reviews can be required for no-rise analyses per Section .190 of Chapter 14.34.
- The County has a good format for processing its floodplain cases, mainly through its "Additional Requirements" attachment to the permit and through its Flood Area Development form.

While these procedures have been judged to be very effective, there are a couple of minor alterations that should be made for greater accuracy, as follows:

- A notation needs to be made as to whether or not a proposed structure is located in the floodway. This could either be on the "Inspection Record" or, perhaps more appropriately, on the Flood Area Development form.
- Standard language in the "Additional Requirements" regarding elevation to one foot or more above the 100-year flood should distinguish between the requirement to elevate residences vs. the requirement for nonresidential buildings to elevate or floodproof (since floodproofing residences is not an option).
- In the "Additional Requirements" for structures in AO Zones, it should be stated that the structure must be elevated above the highest adjacent grade (not just the adjacent grade).

Field Inspection Report Cases. There were 36 cases cited in our Field Inspection Report that needed to be documented by County records. Of the 36, the County provided documentation at the CAV meeting and at a subsequent meeting with Mr. DeVries to clear 25 of the 36 cases. Using numbers from our Field Inspection Report, these cases were identified as Cases #3, 4, 6, 7,

8, 9, 10, 11, 16, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36. That left 11 cases that will need additional documentation before we will be able to close this CAV. They are as follows (again using numbers from the Field Inspection Report):

2. **49361 Skagit Ridge Road.** An Elevation Certificate (EC) based on finished construction is needed for this 2004 house.
5. **41613 North Shore Lane.** This is a park model RV in the floodway. The County needs to provide evidence that this structure has either been on the site fewer than 180 days or that the unit is road ready in accordance with Section .150(2) of Chapter 14.34.
12. **32647 Lyman-Hamilton Road.** Though the EC stated that it is based on finished construction, the County determined this structure had not been completed. It shows only 340 square inches of openings vs. 2,730 square feet of enclosure. A new EC is needed based on finished construction, and showing proper openings.
13. **10547 3rd Street.** The County has confirmed that neither the house nor garage is in the floodway. No additional information is needed for the house, but the County needs to provide evidence that there are proper openings in the garage and that it meets other wet-floodproofing requirements at Section .160(4) of Chapter 14.34.
14. **3945 Legg Road.** This is a substantial improvement of an older house. The County needs to provide evidence: [1] to show whether the entire house or just the improvement was elevated; and [2] if the 1,641 square inches of openings from the EC meet the standard of one square inch of opening for every square foot of enclosure.
15. **15061 Sunset Road.** The EC shows this house was properly elevated, but there are only 336 square inches of openings for 670 square feet of enclosed space. The additional openings need to be installed in order to approve this case and be able to close the CAV.
17. **10450 Ridge Place.** The EC shows this house was properly elevated, but there are only 1,156 square inches of openings vs. 1,187 square feet of enclosed space for the house, and only 525 square inches of openings for 953 square feet of enclosed space for the garage. This must be remedied before we can close the CAV.
18. **21266 Lafayette Road.** The EC shows there are only 880 square inches of openings for 1,718 square feet of enclosed space (though there is a question mark at the 880). Also, from the picture it looks like the lower floor may be being used for habitable uses (vs. limited storage, parking and building access). We need either a corrected EC or additional openings to meet the requirement, and evidence that there are no utilities below BFE in the lower level of this house.

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19. **11201 Peter Anderson Road.** The EC shows there to be 3,500 square inches of openings in only 1,300 square feet of enclosed space for the house, but no openings for the garage that has 902 square feet of enclosed space. It needs to be determined whether or not there are any openings in the garage, or if the 3,500 square inches of openings in the house includes the garage. You mentioned that engineered openings might have been used here; if so, that needs to be documented.

23. **8174 Bay View Edison Road.** The EC is based on "Building under Construction" for this 2003 house. It shows there are 777 square inches of openings, but there is no information regarding the size of the enclosed space. We need an EC based on finished construction for this house, and information on whether there are proper openings.

In summary, the County's floodplain Chapter 14.34 is fully compliant, and the County's procedures have been judged to be very adequate to implement Chapter 14.34. The only suggestion we have to improve floodplain management in Skagit County would be to consider more restricted use of RVs in the floodplain during the flood season. Concerning the cases from the Field Inspection Report, the County will have to provide additional information on these cases as indicated above.

These actions need to be completed as quickly as possible so that we can certify full compliance to FEMA for both NFIP and CRS eligibility, but no later than 120 days from the date of this letter. For cases that may be in an enforcement action, we will work with you to close the CAV as soon as we can assuming the County has taken every action possible to resolve such enforcement cases.

We commend Skagit County on its outstanding floodplain management program and sincerely appreciate the work of your staff for their cooperation and careful attention to closing this CAV. The work of Tim DeVries is exceptional and of great value to Skagit County. The documentation compiled by Mr. DeVries and his very capable staff was extremely well prepared and greatly facilitated the entire CAV process. If you have any questions, please feel free to call me at (425) 649-7139.

Sincerely,



Charles L. Steele
Floodplain Management Specialist

cc: Mark Carey, FEMA
Dan Sokol, Ecology
Gary Christensen
Tim DeVries
✓ Dan Berentson