

Review and Recommendations on Regulations for Frequently Flooded Areas

Section 1. Scientific literature reviewed (Peer reviewed references and documents that local, state or federal natural resource agencies have determined represents the best available science consistent with the criteria set out in WAC 365-195-900 through 365-195-925 are shown in bold).

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Section 2. Review and Recommendations on Regulations.

| Frequently Flooded Areas Most Relevant Laws, Regulations and Policies | Existing Local Regulations (items in bold are of concern) | Analysis of Existing Regulations | Options for Addressing Problems (items in bold are recommended) |
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| <p>RCW 36.70A.060, 170, and 172 (general requirements to consider the BAS, protect the functions & values of Critical Areas, and give special consideration to conservation and protection of anadromous fisheries.</p> <p>Frequently Flooded Areas WAC 365-190-110 Frequently flooded areas. Frequently flooded areas. Flood plains and other areas subject to flooding perform important hydrologic functions and may present a risk to persons and property.</p> <p>(1) Classifications of frequently flooded areas should include, at a minimum, the 100-year flood plain designations of the Federal Emergency Management Agency and the National Flood Insurance Program. (2) Counties and cities should consider the following when designating and classifying frequently flooded areas:</p> <p>(a) Effects of flooding on human health and safety, and to public facilities and services; (b) Available documentation including federal, state, and local laws, regulations, and programs, local studies and maps, and federal flood insurance programs,</p> | <p>18.30.130 Frequently flooded areas.</p> <p>A. Classification. This section applies to all areas of special flood hazards within the jurisdiction of San Juan County as identified by the Federal Insurance Administration on its Flood Insurance Rate Maps (FIRMs), Numbers 530149 0001-0008, dated June 7, 1977, and any revisions thereto, which are hereby adopted by reference and declared to be part of this code. The FIRMs are on file at the permit center.</p> <p>B. Protection Standards. All developments in areas of special flood hazards must first meet the</p> | <p>1. Classification of Frequently Flooded Areas. The existing code is consistent with State regulations, classifying FEMA designated areas of special flood hazard as frequently flooded areas. Areas that may be inundated or become subject to flooding in the future due to climate change and sea level rise are currently not classified as frequently flooded areas, but could be added.</p> | <p>1. Classification of Frequently Flooded Areas.</p> <p>Option 1. Continue to designate only FEMA areas of special flood hazard as “frequently flooded areas”, but provide applicants with information on predicted sea level rise so that they may consider it in their development plans.</p> <p>Option 2. To help prevent property damage in the</p> |

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| <p>including the provisions for urban growth areas in RCW 36.70A.110;</p> <p>(c) The future flow flood plain, defined as the channel of the stream and that portion of the adjoining flood plain that is necessary to contain and discharge the base flood flow at build out;</p> <p>(d) The potential effects of tsunami, high tides with strong winds, sea level rise, and extreme weather events, including those potentially resulting from global climate change;</p> <p>(e) Greater surface runoff caused by increasing impervious surfaces.</p> <p>County Comprehensive Plan Goals and Policies.</p> <p>Goal 1: Protect the functions and values of Critical Areas, giving special consideration to anadromous (migratory) fish.</p> <p>Goal 2: Allow for use of property to the greatest extent possible while protecting Critical Area functions and values.</p> <p>Goal 3: Establish Critical Area requirements that are balanced and related to impacts.</p> | <p>requirements of this code including any subarea plans and the San Juan County health and building codes adopted in Chapters 13.04 and 15.04 SJCC, respectively. When allowed, such developments shall also meet the requirements for floodproofing or construction as detailed on the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Elevation Certificates. (Ord. 2–1998 Exh. B § 3.6.6)</p> | <p>2. Incorrect reference to elevation certificates. The existing code inappropriately identifies elevation certificates as the source of requirements for flood proofing and elevation of structures. This section should refer to the requirements of SJCC 15.12, the County Flood Control Ordinance.</p> | <p>future, designate additional “frequently flooded areas” based on predicted sea level rise.</p> <p>2. Incorrect reference to elevation certificates.</p> <p>Option 1. Reference SJCC Chapter 15.12 for requirements associated with construction in frequently flooded areas and FEMA designated areas of special flood hazard.</p> |

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| <p>Goal 4: Establish funding mechanisms to support Critical Area protection programs including funding for voluntary measures such as education, technical assistance, and cost share programs.</p> <p>Policies (2.5.B.1–11):</p> <p>1. In conformance with the Washington Growth Management Act, in designating and protecting critical areas establish regulations that protect Critical Areas based on consideration of the best available science.</p> <p>2. Adopt policies and regulations that, as of the effective date of implementing ordinances, are designed to protect functions and values of critical areas.</p> <p>3. In addition to regulations, develop voluntary and incentive-based programs to protect the overall functions and values of Critical Areas and other natural resources. Voluntary actions may include education, technical assistance, water conservation, stewardship programs, implementation of best management practices, and restoration activities. One purpose of these programs is to mitigate impacts resulting from authorized exemptions and exceptions.</p> | | <p>3. Essential Public Facilities. The existing code does not include restrictions on the placement of essential public facilities in frequently flooded areas.</p> | <p>3. Essential Public Facilities.</p> <p>Option 1. Retain existing code which does not place additional restrictions on essential public facilities.</p> <p>Option 2. Add a restriction excluding essential public facilities (except those that are water dependent) from designated frequently flooded areas.</p> |

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| <p>4.The impacts of land use and development preferably will be managed and mitigated on site.</p> <p>5.When developing Critical Area regulations, consider the positive effect of all State, Federal and local environmental protection programs.</p> <p>6.To the extent possible, adopt protection standards that vary based on site characteristics.</p> <p>7.Encourage the installation of water catchment systems.</p> <p>8.Implement applicable provisions of adopted Salmon Recovery and Marine Area Stewardship Plans, giving special consideration to anadromous fish.</p> <p>9.Monitor and enforce permit requirements and Best Management Practices designed to protect Critical Areas.</p> <p>10. Control or eradicate invasive and/or noxious weeds in conformance with RCW 17.10.</p> <p>11. Any regulation created pursuant to these policies should include provisions for reasonable use exceptions and nonconforming uses.</p> | | | |

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| <p>b. Frequently Flooded Areas</p> <p>Goal: To protect the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas of <i>special flood hazard</i>.</p> <p>Policies:</p> <p>i. Protect the important hydrologic role of frequently flooded areas by designating those areas subject to frequent flooding or coastal inundation as special flood hazards. At a minimum, designate and protect the 100-year area of special flood hazard as defined and mapped by the Federal Emergency Management Agency.</p> <p>ii. Prevent or mitigate the impacts of development which may result in hazards to persons or property, or harm to hydrologic functions. In general, this will be accomplished through compliance with applicable building codes, the San Juan County Flood Hazard Ordinance and the requirements of the Unified Development Code.</p> <p>iii. Minimize expenditures of public money for costly flood control projects and minimize the need for rescue and relief efforts associated with flooding.</p> | | | |