

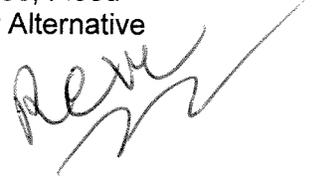
**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: C-7

DATE: May 28, 2009

SUBJECT: Ordinance 1046-09
Amendments to Sultan Municipal Code Chapter 17.08, Flood
Damage Prevention Adoption of Provisions to Allow Alternative
Construction of Crawl Space

CONTACT PERSON: Robert Martin, Community Development Director



ISSUE:

Update Sultan Municipal Code (SMC) Chapter 17.08, Flood Damage Prevention to accommodate changes called for by Washington Department of Ecology (DOE) and the Federal Emergency Management Agency (FEMA) to allow alternative method of construction of crawl-spaces under buildings in the Sultan Flood Hazard Areas.

RECOMMENDATION:

Staff recommends that Council:

1) Waive First Reading; 2) Conduct Second Reading; and 3) Move for adoption of Ordinance 1046-09, an Ordinance amending Sultan Municipal Code (SMC) Chapter 17.08 Flood Damage Prevention.

SUMMARY:

On March 27, 2009, the City responded to a series of changes to its Flood Damage Prevention Code SMC Chapter 17.08. A letter from Mr. Chuck Steele of the State Department of Ecology (April 16, 2009 "**Attachment A**") affirmed that the amendments brought the Sultan Code into compliance with National Flood Insurance Program Regulations. The letter also indicated that three structures had been allowed to be constructed in the community prior to 2008 without proper clearances in the crawlspaces.

DISCUSSION:

Since receiving the April 16th letter, Staff has been in negotiation with Mr. Steele to understand the least disruptive answer to the issue of these crawlspaces. To begin resolution of the issue, the City needs to adopt the provisions of Federal Emergency Management Agency (FEMA) Technical Bulletin 11-01. Adoption of the Code language in Technical Bulletin 11-01 will allow the City to permit buildings with a type of crawlspace that is less expensive and does not require buildings to be as high above flood elevation, as is required by the conventional construction requirements. **Attachment B** is the cover sheet from Technical Bulletin 11-01.

The graphic shown on **Attachment B** demonstrates the purpose of the proposed amendment. The left side of the page shows the normally required cross-section of a crawlspace. The right side graphic shows the alternative allowed if the provisions of the Technical Bulletin 11-01 are adopted by a community. This option is desired in most cases as it allows more work space and is less expensive to build. It is, in fact, the customary style of construction in our part of the country. To use this type of construction, Technical Bulletin 11-01 requires placement of certain

additional vents and maximum clearances between the floor joists and the ground level of the crawlspace.

Adoption of the amendment proposed in this Agenda Item will allow the City to work with the owners of the above-referenced structures to gain flood standard compliance with the least cost. It will also allow future buildings to choose this type of construction, thereby saving money and avoiding this compliance problem.

This is a minor housekeeping amendment in the Flood Damage Prevention Chapter. It is a Building Code related provision. It is not a Land Use Regulation, in that it does not change allowed uses or the required location of allowed uses. Therefore it does not require a Public Hearing at the Planning Board and does not require the 60-day notice process at the Department of Community Trade and Economic Development. The appropriate notice for this meeting has been provided.

While this amendment is relatively minor, it provides a positive and helpful option to homeowners and contractors in the community. Time is a factor in this procedure and the effects are all beneficial for property owners and contractors.

RECOMMENDATION:

Staff recommends that Council waive First Reading, conduct Second Reading, and move for adoption of Ordinance 1046-09, an Ordinance amending Sultan Municipal Code (SMC) Chapter 17.08, Flood Damage Prevention, to permit alternative design and construction of crawlspaces as permitted by FEMA Technical Bulletin 11-01.

ATTACHMENTS:

Attachment A: April 16, 2009 DOE Letter

Attachment B: Cover Sheet of FEMA Technical Bulletin 11-01

Attachment C: Ordinance 1046-09

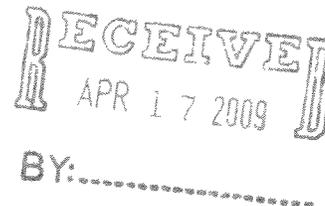


STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

April 16, 2009

Bob Martin, Director
Community Development Department
319 Main Street, Suite 200
Sultan, WA 98294



Dear Mr. Martin:

We reviewed your March 27, 2009 letter responding to findings made in our July 9, 2008 and February 11, 2009 letters summarizing our Community Assistance Visit (CAV) in Sultan. The outstanding issues you addressed included revisions to Chapter 17.08 of the SMC, procedures to implement Chapter 17.08 and five specific cases needing additional documentation from our Field Inspection Report.

Floodplain Regulations. Adoption by the City of Ordinance No. 1019-09, which revised Chapter 17.08, brings the City into full compliance with National Flood Insurance Program (NFIP) and State floodplain management regulations. All outstanding issues have been satisfactorily addressed.

Procedures. Your letter did not transmit procedures for implementing Chapter 17.08 and this remains a deficiency. The kind of information needed is fully described in our July 9, 2008 letter; this was supplemented with transmittal of procedures from other communities in our February 11, 2009 letter. This is a relatively simple request that is partially addressed under Section .070B of Chapter 17.08.

Field Inspection Report Cases.

#1, 905 Dyer Road. Information submitted shows full compliance. Case is closed.

#2, 900 Dyer Road. Either the Elevation Certificate (EC) must be produced for this structure or there must be proof that the land on which the garage/shop was built is above the Base Flood Elevation (BFE). This case is still open.

#4, 206 Skywall Drive. In reviewing the EC you submitted, problems were noted. First, there were no openings in the garage even though the garage slab was below the BFE. This must be corrected. Second, the surveyor appeared to confuse the "top of the bottom floor" with the "lowest floor," i.e., it appears as though the 122.28' elevation is the elevation of the lowest floor, not of the crawlspace floor (which is the top of the bottom floor). The City is responsible for assuring accuracy of ECs they receive, and must either have the surveyor make corrections or the City needs to make corrections in Section G of the EC. This EC needs to be checked to be sure there is no below-grade crawlspace. This case is still open.



Attachment A-1 

Mr. Bob Martin, Director
April 16, 2009
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#7, 614 Alder Street. ECs were submitted for this duplex, but our review revealed that both units have below-grade crawlspaces of 2.1 and 2.2 feet. Since below-grade crawlspaces are not allowed per Chapter 17.08, these violations must be corrected before we can close the CAV. This can be accomplished by either filling the interior grade to the level of the exterior grade or by lowering the LAG on at least one side to equal the interior grade. Alternatively, the City could choose to allow below-grade crawlspaces, but appropriate provisions per FEMA Technical Bulletin 11-01 would have to be specifically adopted into Chapter 17.08; that is not recommended in that it would raise the cost of flood insurance for all such structures. This case is still open.

#9, 707 Alder Street. Your response indicated that the property owner is not cooperating with the City, and the City will pursue this matter through legal and code enforcement processes. This case is still open.

Please be aware that we cannot continue to extend the deadline for allowing the City to comply with the minimum NFIP requirements, especially in view of Sultan's CRS standing. If these cases are not closed, they threaten flood insurance availability not only for the cases themselves, but for the entire City. We will extend the deadline to June 15, 2009 to clear all of the aforementioned deficiencies. If they are not cleared by then, we will have to turn the case over to FEMA for appropriate enforcement action. FEMA has the authority to place participating communities on probation for lack of enforcement per 44 CFR 59.24(c) of the Federal Regulations. The probation process involves an insurance surcharge over an entire year for all of the 281 policyholders in Sultan. Suspension means that flood insurance would no longer be available for anyone in Sultan; in turn, federal grants and federally backed loans could not be made in the City's flood hazard areas.

We hope to work out the remaining issues without submitting this case to FEMA, and look forward to your expeditious action to resolve the remaining deficiencies. If I can assist by meeting with you, please do not hesitate to let me know. I can be reached at (425) 649-7139.

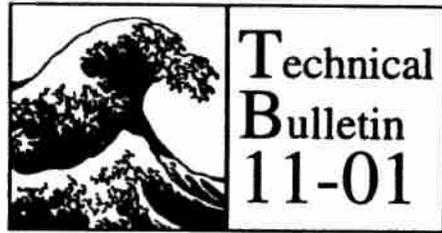
Sincerely,



Charles L. Steele
Floodplain Management Specialist

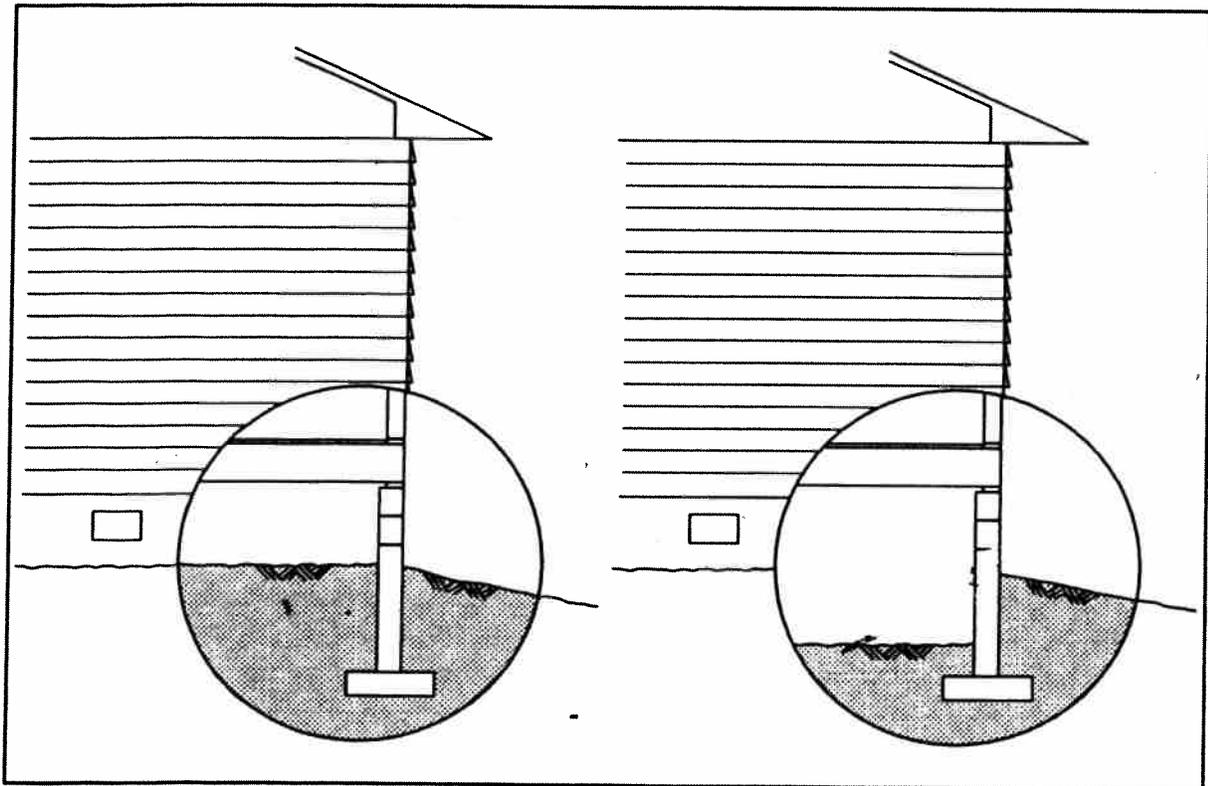
cc: Mark Carey, FEMA
Linda Ryan, ISO/CRS
Dan Sokol, Ecology
✓Honorable Carolyn Eslick
Deborah Knight
Cyd Donk

A-2



Crawlspace Construction for Buildings Located in Special Flood Hazard Areas

National Flood Insurance Program Interim Guidance



FEDERAL EMERGENCY MANAGEMENT AGENCY
FEDERAL INSURANCE AND MITIGATION ADMINISTRATION

FIA-TB-11
(11/01)

Attachment B

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1046-09**

**AN ORDINANCE OF THE CITY OF SULTAN,
WASHINGTON, ADOPTING AMENDMENTS TO SULTAN
MUNICIPAL CODE CHAPTER 17.08, FLOOD DAMAGE
PREVENTION; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Sultan, participates in the National Flood Insurance Program of the Federal Emergency Management Agency (FEMA), and

WHEREAS, the Washington State Department of Ecology (DOE), in partnership with FEMA, conducts periodic Community Assistance Visits to review the codes, standards, and implementation programs for flood management in local jurisdictions, and

WHEREAS, the City of Sultan, through high levels of compliance with FEMA and DOE standards, has achieved a favorable rating of “Class 7” in the National Flood Insurance Program (NFIP), which reduces the NFIP policy rates for citizens and businesses in the community, and

WHEREAS, it is the intent and policy of the City Council to maintain favorable insurance ratings for the community, and

WHEREAS, FEMA and DOE conducted a Community Assistance Visit on July 2, 2008, and DOE provided a follow-up letter dated July 9, 2008 indicating certain modifications and improvements to the City of Sultan Flood Damage Prevention Code (Sultan Municipal Code (SMC) Chapter 17.08) as a condition of maintaining the favorable “Class 7” NFIP insurance rating, and

WHEREAS, in response to the July 9th letter, the City of Sultan adopted Ordinance 1019-09, amending several provisions of SMC Chapter 17.08, and

WHEREAS, The City received a letter from Mr. Steele dated April 16, 2009 indicating that the City had allowed construction of certain buildings with crawlspaces that do not conform to currently adopted standards, and

WHEREAS, FEMA Technical Bulletin 11-01 provides options for construction of crawlspaces that are less demanding and still provide required protections from flood damage, and

WHEREAS, the City must adopt the provisions of Technical Bulletin 11-01 before the options contained therein can be used in construction in the community, and

WHEREAS, it is the intent of the City Council to offer all legally acceptable alternatives to property owners and contractors in their efforts to meet flood damage protection standards,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The CITY OF SULTAN MUNICIPAL CODE CHAPTER 17.08, "FLOOD DAMMAGE PREVENTION" IS HEREBY AMENDED AS FOLLOWS:

17.08.150 Below-Grade Crawlspace Construction

- A. As provided in FEMA Technical Bulletin 11-01, below-grade crawlspaces are permitted subject to approval of the City of Sultan upon application and subject to the following criteria. Figure 17.08.160 is the graphic reference for the provisions of this Section.
1. The interior grade is not more than two (2) feet below the lowest exterior adjacent grade.
 2. The height of the below-grade crawlspace, as measured from the interior grade to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point, or five (5) feet to the top of the next higher floor.
 3. There must be adequate drainage that removes interior floodwaters and the velocity of the floodwaters must not be more than five (5) feet per second.
 4. Utility systems within the crawlspace, particularly ductwork, must be elevated above the BFE, or designed so that floodwaters cannot enter or accumulate within system components, or be damaged during flood conditions.
 5. All insulation must be located above the BFE.
 6. The building must be designed to resist flotation, collapse, and lateral movement resulting from hydrodynamic and hydrostatic loads including the effect of buoyancy.
 7. Alternative crawlspace design in areas exceeding five (5) feet per second flood velocity must be designed by a qualified Architect or Engineer.
 8. Crawlspaces must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters.
- B. Buildings that have below-grade crawlspaces may have higher flood insurance premiums than buildings that have the preferred crawlspace construction with the interior elevation at or above the lowest adjacent grade. Interpretation and application of these requirements shall be consistent with Official FEMA Technical Bulletin 11-01 Guidance on Crawlspace Construction.

17.08.160 Below-Grade Crawlspace Construction Diagram

As provided in FEMA Technical Bulletin 11-01, the following diagram is to be used as the guide for design of below-grade crawlspaces. If it is documented that no soil, slope, or hydrostatic or hydrodynamic complications exist at the site, designers and contractors may use this design without modification when proposing below-grade crawlspaces.

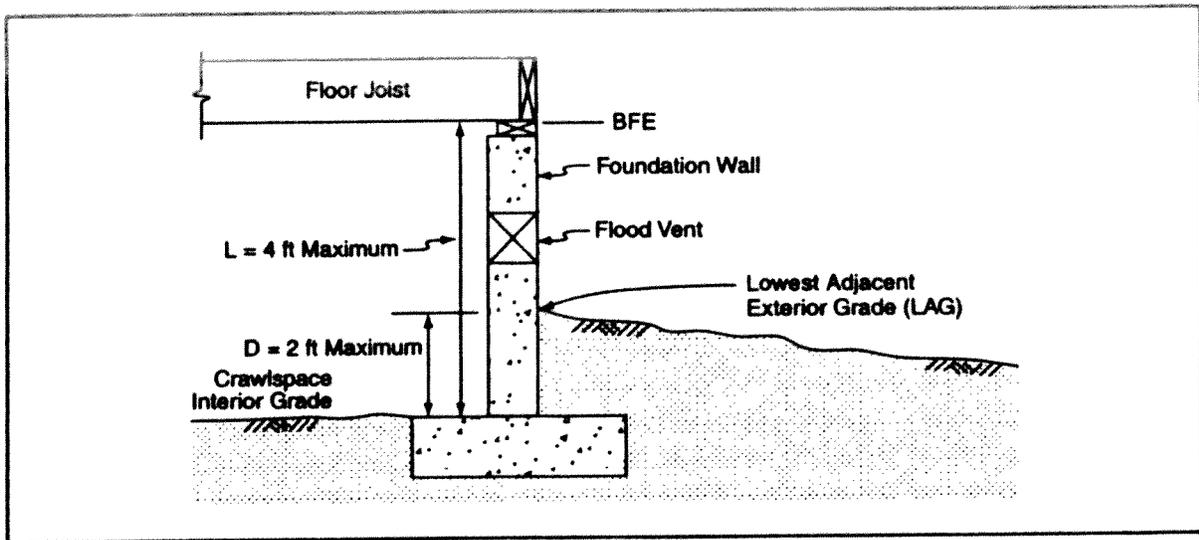


Figure 3 Requirements regarding below-grade crawlspace construction.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2009.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Margaret J. King, City Attorney

Passed by the City Council:

Date of Publication:

Effective Date: