ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SUMAS, WASHINGTON, ADOPTING REVISIONS TO CHAPTER 14.30 OF THE SUMAS MUNICIPAL CODE, THE CITY'S FLOODPLAIN DEVELOPMENT REGULATIONS.

WHEREAS the City Council previously took action in 1991 through adoption of Ordinance No. 1035 to establish regulations addressing development within the 100-year floodplain as required under the National Flood Insurance Program; and

WHEREAS said ordinance was codified under Chapter 14.30 of the Sumas Municipal Code (SMC), Flood Damage Prevention; and

WHEREAS subsequent to adoption of Ordinance No. 1035, the City Council has taken action to amend Chapter 14.30 to ensure ongoing consistency with the National Flood Insurance Program; and

WHEREAS on March 13, 2023, the City Council adopted Ordinance No. 1801, adopting revisions to Chapter 14.30 of the Sumas Municipal Code, requiring that all new construction be built so that the bottom of the lowest floor be built at least two (2) feet above base flood elevation; and

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

SECTION 1: Section 14.30.200 of the Sumas Municipal Code is hereby amended in its entirety to read as follows:

14.30.200 Special flood risk zone.

Development within the special flood risk zone shall require issuance of a floodplain development permit pursuant to Section 14.30.140. Development other than the following is prohibited in the special flood risk zone:

(1) Minor structures and additions for which a building permit is not required and which create no new residences;
(2) Minor fills and excavations of less than twelve cubic yards for the purpose of maintenance which will not raise the level of land above that of the surrounding area;

(3) Normal maintenance, repair, resurfacing, and rebuilding at comparable grade of bridges, streets and accessways;

(4) Underground improvements;

(5) Maintenance, repair, alterations, and like replacement of existing improvement;

(6) Other minor development, such as open fences, signs, and small unenclosed structures;

(7) Developments wherein any floodwater blockage effect is at least equally balanced by excavation or removal of structures elsewhere in the special flood risk zone such that, in the opinion of the city ~~utility superintendent~~public works director or his/her designee with such evidence as he/she shall require, the overall capacity to convey floodwaters is not reduced.

Such excavations or structures removed shall not then be eligible for replacement under subsection (5) of this section. Documentation of development in accordance with this subsection shall be retained by the city to demonstrate no net floodwater blockage increase.

The city ~~utility superintendent~~public works director or his/her designee may require that suitable notification be provided for any development undertaken pursuant to this subsection as a result of the excavation or removal of structures elsewhere in the special flood risk zone indicating that such excavations or structures removed are not eligible for replacement, including the recording thereof with the county auditor's office.

(8) Elevated structures which allow floodwaters to flow underneath and which meet the following criteria:

a. All structures shall be elevated so that the lowest supporting member is located no lower than ~~one foot~~two feet above the one-hundred-year flood elevation, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided below.

b. Breakaway walls are allowed below the base flood elevation provided they are not a part of the structural support of the building and are designed so as to break away in the event of flood without damage to the structural integrity of the building on which they are to be used. The design of the breakaway walls shall be certified by a registered professional engineer or architect based on the intended function of the walls in relation to the applied loads of the one-hundred-year flood

flow. If breakaway walls are to be utilized, such enclosed space shall not be used for human habitation.

c. All structures shall be securely anchored on piling, columns, or foundation walls oriented to the axis of the flow path as determined by the city ~~superintendent~~public works director. Said support elements shall be certified by a registered professional engineer or architect as capable of withstanding all applied loads of the one-hundred year flood flow.

d. There shall be no fill used for structural support, except where such fill is offset by an equal or greater quantity of excavation and removal of material from the floodplain that will result in no overall reduction in flood storage or flood conveyance.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrases may later be declared invalid or unconstitutional, then any ordinance or ordinances, or parts thereof, amended or repealed by such portion of this Ordinance shall remain in full force and effect.

SECTION 3: This Ordinance shall take effect and be in full force and effect after its passage by the City Council and approval by the Mayor, if approved, and five days following publication as required by law.

PASSED by the City Council of the City of Sumas, Washington, on the ____ day of _____, 2025, and approved by its Mayor on the same date.

CITY OF SUMAS, WASHINGTON

_____

BRUCE BOSCH, Mayor

ATTESTED/AUTHENTICATED;

By: _____

MICHELLE QUINN, City Clerk

APPROVED AS TO FORM:

_____

JAMES WRIGHT, City Attorney