



# CITY OF SUMAS

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# Memo

**To:** Members of the Sumas City Council Public Works Committee

**From:** Carson Cortez, City Planner, City of Sumas

**Date:** April 24, 2026

**Re:** Jordan and Ashleigh Johnson Floodplain Development Variance

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On March 13, 2026, the City of Sumas received an application for a Floodplain Development Variance from Jordan and Ashleigh Johnson for their property at 234 Morton Street, Sumas, WA. The applicants are proposing to construct on their property a detached 896 square-foot shop with an Accessory Dwelling Unit (ADU) on the second floor. The applicants are also proposing to construct the shop with the lowest floor below base flood elevation (BFE).

Chapter 14.30 of the Sumas Municipal Code (SMC) provides regulations which restrict and administer development located in the FEMA-regulated 100-year floodplain. Subsection 14.30.130(3) SMC says that “[I]f 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; provided that accessory structures shall also conform to the requirements set forth in Section 14.30.135.”

Section 14.30.135 SMC provides regulations for the development of accessory structures in the floodplain. Subsection 14.30.135(1) SMC provides a list of conditions which must be met in order to allow development of accessory structures in the floodplain. The list reads as follows:

- A. The accessory structure should be small, one story and four hundred square feet or less in area, and represent a minimal investment; provided, that accessory structures of any size may be considered for a variance;

- B. The accessory structure must meet the definition of “structure,” for floodplain management purposes, where “walled and roofed” shall be interpreted as having two outside rigid walls and a fully secured roof;
- C. The accessory structure must be anchored to resist flotation, collapse, and lateral movement;
- D. The portions of the accessory structure located below the BFE must be constructed with flood-resistant materials;
- E. Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to two feet or more above the BFE;
- F. Where applicable, the accessory structure must comply with the special flood risk zone, special flood corridor and floodway encroachment provisions of this chapter;
- G. The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings as set forth in Section 14.30.130 and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons);
- H. If the accessory structure is converted to another use, it must be brought into full compliance with the standards governing such use set forth in this chapter; and
- I. The structure shall not be used for human habitation.

At face value, this project does not meet the conditions listed above, especially of conditions A and I. However, Subsection 14.30.135(2) SMC allows the development of accessory structures located in the floodplain which do not meet all the conditions listed above, as long as the applicant receives approval of a floodplain development variance and the proposed accessory structure still meets all the conditions of letters B through H above.

Subsection 14.30.180(d) and Section 14.30.190 SMC establish additional criteria that the City Council may consider in their review of a floodplain development variance.

Given that the proposal also includes the construction of an Accessory Dwelling Unit on the second floor of the proposed structure, the project must also comply with all the requirements of newly adopted Chapter 20.55 SMC, which provides regulations allowing for the development ADUs. However, since this floodplain development variance is only concerned with the floodplain aspects of the project, the ADU aspects are not applicable to this public hearing. Condition 8 of the proposed Conditions of Approval requires that the project meet all the requirements of Chapter 20.55 SMC.