



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 1, 2007

Jana Hanson, Director
Community & Economic Development
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

Dear Ms. Hanson:

This is in response to your telephone inquiry of April 26, 2007 regarding the timing of development in relation to issuance of revised flood maps. Specifically, you were concerned about permits that may be requested using the existing flood data vs. the revised flood data that generally has higher base flood elevations throughout the City.

FEMA defines "start of construction" as the date the building permit was issued, "provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date." Thus, a permit could be issued up to the Effective Date of the new maps and, provided the 180-day criterion is met, be "vested" to use of the original map data. We remind you, however, of the FEMA requirement that permit applications be reviewed to assure that "proposed building sites will be reasonably safe from flooding" and this involves use of newer, more recent data per your Chapter 15.36.050.

While we would not recommend using the old data for floodplain management purposes, a literal interpretation of the FEMA regulations and insurance practices allows it. FEMA's Flood Insurance Manual prescribes insurance rating rules, and states the following: "The start of construction or substantial improvement for insurance purposes means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date." As you can see, the insurance rules are consistent with the floodplain management regulations.

If you have any further 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
Leslie Melville, NFIP Bureau & Statistical Agent

