

**Planning Commission Meeting
April 21, 2020 - 7:00 PM**

AGENDA

I. CALL TO ORDER

II. VIRTUAL PARTICIPATION LINK

A. Virtual Participation Link

Join Zoom Meeting

<https://zoom.us/j/232479417>

Meeting ID: 232 479 417

One tap mobile

+16699009128,,232479417# US (San Jose)

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Dial by your location

+1 669 900 9128 US (San Jose)

+1 346 248 7799 US (Houston)

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Meeting ID: 232 479 417

Find your local number: <https://zoom.us/j/232479417>

B. ROLL CALL/ESTABLISHMENT OF QUORUM

C. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

A. March 3, 2020 Draft Minutes from the Planning Commission Regular Meeting

IV. PUBLIC HEARINGS

A. ZOA19-0004, Proposed Floodplain Code Amendments to ACC 15.68, 'Flood Hazard Areas'.

Public Hearing on amendments to remain consistent with the latest FEMA model

ordinance and to coincide with separate FEMA adoption of updated Federal Insurance Rate Maps (FIRM)

V. OTHER BUSINESS

VI. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VII. ADJOURNMENT

The City of Auburn Planning Commission is a seven member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.

Actions taken by the Planning Commission, other than approvals or amendments to the Planning Commission Rules of Procedure, are not final decisions; they are in the form of recommendations to the city council which must ultimately make the final decision.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Virtual Participation Link

Date:

April 7, 2020

Department:

COMMUNITY
DEVELOPMENT

Attachments:

No Attachments Available

Budget Impact:

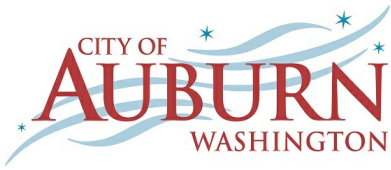
Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: April 21, 2020

Staff:

Item Number: ES.A



AGENDA BILL APPROVAL FORM

Agenda Subject:

March 3, 2020 Draft Minutes from the Planning Commission
Regular Meeting

Date:

April 7, 2020

Department:

Community Development

Attachments:

[March 3, 2020 Draft Minutes from the Planning
Commission Regular Meeting](#)

Budget Impact:

Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

Administrative Recommendation:

Planning Commission review and approve the March 3, 2020 regular meeting minutes.

Background Summary:**Reviewed by Council Committees:****Councilmember:****Staff:**

Dixon

Meeting Date: April 21, 2020

Item Number:



I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in Auburn City Council Chambers located at 25 West Main Street, Auburn, WA 98001.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Commissioners present: Chair Judi Roland, Vice-Chair Lee, Commissioner Mason, Commissioner Moutzouris, and Commissioner Stephens. Commissioner Khanal was excused.

Staff present: Jeff Dixon, Planning Services Manager; Doug Ruth, Assistant City Attorney; Steve Sturza, Development Engineer Manager; Jennifer Oliver, Admin Assistant.

Members of the public present: Brianna Thomas

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. January 7, 2020 – Regular Meeting Minutes

Vice Chair Lee moved and Commissioner Stephens seconded to approve the minutes from the January 7, 2020 meeting as written.

MOTION CARRIED UNANIMOUSLY. 5-0

B. February 4, 2020 – Regular Meeting Minutes

Commissioner Stephens moved and Commissioner Moutzouris seconded to approve the minutes from the February 4, 2020 meeting as written.

Vice Chair Lee did not attend the February 4, 2020 meeting and did not vote.

MOTION CARRIED UNANIMOUSLY. 4-0

III. OTHER BUSINESS

A. Floodplain Code Update

Introduction of draft amendments to Auburn City Code Chapter 15.68, Flood Hazard Areas.

Staff member Steve Sturza, Development Engineer Manager, gave the Planning Commission a presentation on the Floodplain Development Code Update. In February 2020, the Federal Emergency Management Agency (FEMA) sent a Letter of Determination to confirm that the final Base Flood Elevations (BFE's) and Flood Hazard Determinations (FHD's) will be published in the Federal Register as soon as possible. The modified BFE's, FHD's and revised map panels, as referenced, will be effective as of August 19, 2020.

The National Flood Insurance Program was created by the National Flood Insurance Act of 1968. Participation is voluntary. If participation is completed, the benefits consists of Flood insurance, Grants and Loans, Disaster Assistance and federally backed mortgages. The Goals for the National Flood Insurance Program (NFIP) are:

- Save lives and protect property
- Offer low cost flood insurance
- Encourage a comprehensive approach to floodplain management
- Puget Sound area- protect Endangered Species.

The Commission questioned if individuals owning property in the floodplain would still purchase their own insurance or would the City do that for them. Staff confirmed that the individuals would purchase the flood insurance on their own but may be required by their mortgage lender.

The Commission mentioned that they would like to see a map of the floodplain areas where the changes will take place. Staff responded that there are maps available and would look into GIS and provide the maps for the Commission.

Not amending the ordinance could result in:

- Suspension of NFIP eligibility
- No mortgages or home equity loans in floodplain areas
- No renewals of existing flood insurance policies
- Loss of most forms of Disaster Assistance
- No federal grants or loans
- Loss of subsidized insurance for Pre-FIRM structures
- Potential impacts to Endangered Species
- Failure to communities to properly regulate flood hazard areas may bring lawsuits.

The benefits of Flood Insurance consists of insurance claims are paid with no disaster declaration; 20-25% of insurance claims are outside the map flood area, insurance cannot be canceled for repeat losses, insurance is available to renters and owners and a loan will be repaid with interest.

The NFIP Roles for Federal and State consists of:

- Federal – FEMA
 - National program oversight
 - Flood Insurance Rate Mapping
 - Establish development/building standards

- Provide Insurance Coverage
- State – Department of Ecology
 - State program oversight
 - Establish development/building standards
 - Provide technical assistance to local communities/agencies
 - Evaluate and document floodplain management activities

NFIP Roles for Auburn

- Adopt and enforce floodplain management ordinance compliant with Federal/State laws
- Permit or deny development activities in the regulated floodplain
- Inspect development in the regulated floodplain
- Maintain records of all development in the regulated floodplain
- Make substantial damage determinations
- Ensure all permits are obtained from other government agencies when they are needed in the regulated floodplain
- Development oversight in the regulated floodplain is the City of Auburn's responsibility

Staff displayed on the screen a Flood Insurance Rate Map for the Commission that determines where, if any, flooding were likely to occur. The Commission asked if a homeowner were to purchase flood insurance, will the insurance companies consult this map to determine if you need flood insurance. Staff confirmed that they would consult the map and figure out if the home is in the floodplain. Commissioners inquired if this applied to new buildings or existing buildings and Staff responded that it is for both.

Staff continued with the presentation showing additional maps showing preliminary vs. effective FIRMs. The map indicates current effective FIRMs as of May 1995 and Preliminary FIRMs as of August 2020. Staff went on to confirm that all development in the regulated floodplain requires issuance of a floodplain permit. Per FEMA, Development means any unnatural change to improved or unimproved real estate in the Special Flood Hazard Area (SFHA), including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Federal Minimum Requirements

- Require permits in Special Flood Hazard Area (SFHA) as shown in the FIRM's issued by FEMA
- Development in Floodway is not allowed for single family residential and it's difficult for commercial development
- Foundations are allowed as long as there are openings to resist hydrostatic pressure
- Enclosed spaces can only be used for parking, access, and limited storage
- Residential buildings: lowest floor, including basement, elevated to or above BFE
- Non-residential buildings: elevated or flood-proofed
- No increase in Base Flood Elevation for development within SFHA
- Utilities must be waterproof, anchored, and/or elevated

Staff referred to the draft strike-through and underline changes proposed to ACC 15.68 to remain consistent with the latest Model Ordinance from FEMA. This draft was created from the State of Washington Model Flood Damage Prevention Ordinance; as reviewed and modified by City of Auburn Community Development and Public Works; and has been reviewed by FEMA and Department of Ecology. On March 2, 2020 Additional Comments were received from Department of Ecology and staff is still working through these comments and waiting for a response from Dept. of Ecology regarding questions that staff has.

In addition changes to be consistent with model ordinance, Staff proposes changes based on their experience implementing the regulations. These include: Reorganize ACC, Chapter 15.68 to correspond to the layout of the Model Ordinance; Update the definitions section to have the latest definitions per NFIP, NMFS, FEMA, DOE and City of Auburn; Remove all of the permit application submittal criteria from ACC, Chapter 15.68; Information already provided in ACC 18.70.025 for variances is removed to avoid redundancy; Minimum 15-foot setback from the protected area; Remove a date for assessing cumulative improvements; Increasing the requirements for what is to be addressed in Habitat Mitigation Plans.

Staff Proposed updates to ACC 15.68 Riparian Buffer Zone
A map was displayed to the Planning Commission that showed the Channel Migration Zone, the 100-year Floodplain, Floodway and Riparian Habitat Zone.

Staff Proposed updates to ACC 15.68 Channel Migration Zone
A map was presented to the Commission showing the Channel Migration Zone.

The code changes would include a reference to the FIRM's that are simultaneously being revised by FEMA.
The Commission deliberated and commented that the text showing the changes with the redlines is somewhat difficult to read. They asked what the red lines and the black text represents. Staff responded that the black text are the current code and the red lines are code changes representing deleted or added text to restructure the code.

Chair Roland asked who the Floodplain Administrator is and Steve Sturza, Development Engineer Manager responded that Community Development Director, Jeff Tate takes on that role for the City.

The Planning Commission inquired if there will be a Public Hearing and Planning Services Manager; Jeff Dixon responded that yes, that the purpose of tonight's presentation is a briefing to introduce the code changes. The next step is for Staff to send out to the Public Notice and then proceed to schedule a Public Hearing at the April Planning Commission Meeting.

The Commission requested that in advance of the hearing, maps be provided to further understand the area where the changes will happen. Using the screen in the room, Staff brought up the GIS system map to show an overall view of what is changing. The Planning Commission requested to receive a clean copy of a map of what the changes will consist of and where they will be. They agreed this would help

them to understand the information better. Staff will supply a map for the Commissioners prior to the next meeting. Staff will also highlight any further text changes based on the very recent comments received by the City.

B. Review of Planning Commission Rules of Procedures

Annually the Planning Commission reviews their Rules of Procedure and determines if any changes are warranted.

The Planning Commission's 'Rules of Procedure' were last amended on March 5, 2019. Annually, the Planning Commission reviews their Rules of Procedure (Rules) as a content reminder and also to consider any modifications of the Rules. A draft of some relatively minor, housekeeping type changes were identified by Planning Dept. Staff and distributed in advance of the Planning Commission's January 7, 2020 meeting.

These changes included:

- Capitalization
- Correcting the Community Development Dept. name
- Correcting a reference from "Council" to "Commission" to be accurate
- Clarifying Findings of Fact
- Changing the section numbering to agree

The Planning Commission reviewed and discussed these changes at their previous meetings.

Additionally, at their January meeting the Legal Dept. Staff distributed some further changes to the Rules based on recent changes to the City Council's Rules of Procedure. The Legal Dept. Staff reviewed these at the meeting and offered to research the use of disruptive language and instances of how it was handled.

Then in February these changes to Section X. 'Public Hearings' (Pages 9-10), include changes to:

- Recognize that not voting is counted as negative vote
- Clarify that the Chair, Member, or Secretary can call for a roll call or hand vote.
- Clarify procedures for abstaining from a vote due to a conflict of interest.

And changes to Section XI. 'Conduct' (Page 11), to:

- Further elaborate on what constitutes "disruption"

Staff Recommendation:

A draft based on input from both the Planning and Legal Depts. is provided for the Planning Commission's consideration. This latest draft shows changes in strike-through (deletions) and underline (additions). If these changes are satisfactory, the Commission can approve.

If the Planning Commission has additional changes, these can be captured by staff and then these changes can be presented in writing and provided at the next regular meeting as provided in Section XIII, 'Amendment'.

The Commission deliberated and inquired if a meeting were to become disruptive from the public, can it be relocated. Assistant City Attorney, Doug Ruth confirmed that it can be moved as well as cancelled. The Assistant City Attorney added that these subjects have been evolving and are related to first amendment right of free speech.

Commissioner Moutzouris motioned and Vice Chair Lee seconded to approve the updated Planning Commission Rules of Procedures.

MOTION CARRIED UNANIMOUSLY. 5-0

IV. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon reported to the Planning Commission that the Legacy Project, which is located across the street from City Hall, is close to getting their building permit and civil plans approved. Building construction should begin within the next few weeks.

Also, the Auburn School District is working with Community Development Dept. on their plans for redevelopment for Chinook and Lea Hill Elementary schools.

At the last Planning Commission meeting, the Commission inquired on activity at Mobile home park that is located within the City of Pacific city limits. Planning Services Manager, Jeff Dixon has reached out the City of Pacific to see what the status is and he has not received any word back from them prior to the meeting.

The Commission inquired about the Heritage Building Site status and where the City and the owner are at with the permits. Staff responded that the City and the owner are still working through the permitting and making further changes to the building design.

Commissioner Stephens asked about the former property that previously housed the business, English Gardens. Staff inquired the permit application records for that particular site and at this time, there are not applications for redevelopment of the site.

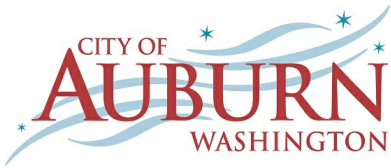
The Planning Commission inquired about the old Key Bank site and what will be going in there. Planning Services Manager, Jeff Dixon remarked that it is going to be divided into two tenant spaces, one being a 7-11 convenience store. The project is subject to the city's Design review process but work has started because as a bank of a very heavy safe that the floor did not support.

The Commission and Staff discussed the procedure for distribution packets and mailing them out instead of delivering to their homes. The Planning Commission agreed that this is amenable but Staff explained that during the Comp Plan Amendment timeframe, or otherw when the packet is particularly large the packet may continue to be dropped off at their homes and not mailed.

Next meeting confirmed is April 7, 2020 at 7:00 p.m.

V. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:12 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

ZOA19-0004, Proposed Floodplain Code Amendments to ACC 15.68, 'Flood Hazard Areas'.

Date:

April 7, 2020

Department:

Community Development

Attachments:

[Memorandum](#)

[Comments from Dept of Ecology](#)

[Ch 15.68 ACC Draft Changes- Clean Version](#)

[Ch 15.68 ACC Draft Changes - Track Changes](#)

[Floodplain Planning Commission Presentation](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

See Attached Memorandum

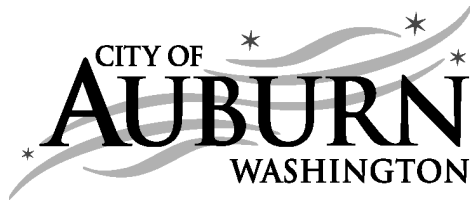
Reviewed by Council Committees:**Councilmember:****Staff:**

Dixon

Meeting Date: April 21, 2020

Item Number:

PH.1



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Roger Lee, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Steven Sturza, PE, CFM, Development Engineer Manager,
Department of Community Development

DATE: April 21st, 2020

SUBJECT: Planning Commission to Conduct Public Hearing on proposed Floodplain Development Code Revisions (ACC 15.68, 'Flood Hazards', to be retitled 'Floodplain Development Management')

PURPOSE

Public Hearing conducted by Planning Commission regarding policy updates to the City's Floodplain Development Code adopted in 2010 to comply with the current requirements set by the National Marine Fisheries Services' (NMFS) Biological Opinion, the National Flood Insurance Program (NFIP) in Western Washington, and Federal Emergency Management Agency (FEMA).

BACKGROUND

The City of Auburn is a participating community in the National Flood Insurance Program (NFIP). In 2010, the NMFS issued a Biological Opinion (referred to in this memo as the "Bi-Op") which concluded that continued implementation of the NFIP in the Puget Sound (Western Washington) region adversely affects the habitat of certain threatened and endangered species listed under the federal Endangered Species Act (ESA). The Bi-Op required changes to the way the NFIP is implemented in order to meet the requirements of the Endangered Species Act (ESA).

In 2010, a model floodplain management ordinance was published by FEMA. FEMA developed the model ordinance to provide NFIP communities with model language that could be adopted as part of a community's local land use and building regulatory codes to address the requirements of the Bi-Op. FEMA requires each NFIP community to select one of the following three approaches for implementation of the Bi- Op requirements, referred to as the "Three Doors Approach":

- Door #1: Adoption of the provisions of the FEMA model ordinance (programmatic approach);
- Door #2: Checklist (community by community approach); and
- Door #3: Permit by Permit Compliance (project by project approach)

In April 2010, the Auburn City Council adopted Ordinance No. 6295 which accepted the Planning Commission's recommendation to incorporate the provisions of the FEMA model ordinance into the City's Flood Hazard Area regulations (Chapter 15.68 ACC), and adopting a revised Regulatory Floodplain Map. The ordinance also amended sections of City Code chapters 14.03, 16.10, 17.04, 17.09, 17.14, and 18.70.

The City's amended Flood Hazard Area regulations were approved by FEMA on September 21, 2011, recognizing the City as a 'Door 1' community and providing the City with coverage under the Endangered Species Act for its floodplain management activities.

In December 2013, FEMA issued an updated Model Ordinance for regulating floodplain development. City staff has been waiting to update the code to coordinate with the updated Federal Insurance Rate Maps (FIRM) that are being issued by FEMA. As anticipated FEMA contacted the City of Auburn to update our FIRM references on February, 19th 2020 and have until August 19th, 2020 to make the update. City staff has prepared updates to ACC, Chapter 15.68 to include the changes from the Model Ordinance to be consistent with City standards/practices for Planning Commission's consideration.

City staff routed the City's updated ACC, Chapter 15.68 to FEMA and Department of Ecology's (DOE) NFIP State Coordinator, David Radabaugh at the end of 2019 for review and input to ensure it meets current standards. Between March 3rd and March 30th additional comments were provided by David Radabaugh. These additional comments from DOE were provided in response to the Letter of Determination from FEMA directing City of Auburn to update our floodplain code and adopt the new flood insurance studies that have been under review for the past 13-years. David would have liked to have provided the comments sooner, however they made the changes to FEMA's model ordinance on December 2019 which was right in the middle of the State Commerce review of the City's Draft Floodplain code. The proposed changes to the ACC, Chapter 15.68 are shown by ~~strikeout~~/underline code attached to this memo as Exhibit A. A clean version of the ACC, Chapter 15.68 is also provided per request at the Planning Commission meeting that occurred on March 3rd, 2020.

STAFF PROPOSED UPDATES

Based on Staff's implementation of the Floodplain Development Code over the years, the Model Ordinance for the Puget Sound Region, and required changes from DOE, below are the substantive changes to ACC, Chapter 15.68:

- Reorganize ACC, Chapter 15.68 to correspond to the layout of the latest FEMA Model Ordinance for the Puget Sound Region. The changes that are transmitted under cover of this memo look extensive because of the amount of strikethrough and underline, however much of that is due to relocating existing adopted code language from one place to another. In other words, underlined language may not be new and may instead reflect a change in the organizational structure of the code. For this reason, staff is identifying this bulleted list of substantive changes.
- Update the definitions section to have the latest definitions per NFIP, NMFS, FEMA, DOE and City of Auburn. This comes from the latest Model Ordinance and current correspondence with FEMA and DOE.
- Definition of area to be regulated for floodplain development (see further discussion below)
- Designation of the Channel Migration Area (see further discussion below)

- Remove all of the permit application submittal criteria from ACC, Chapter 15.68 and include it in the floodplain development permit application only. Per recent comments from DOE some basic permit application submittal criteria is required in the code and has been added since the last meeting.
- Information already provided in ACC 18.70.025 for variances is removed to avoid redundancy.
- Establishing a minimum setback for structures of 15 feet from the 'Protected Area', or if not met, a habitat assessment is required.
- Remove a date for assessing cumulative improvements.
- Increasing the requirements for what is to be addressed in Habitat Mitigation Plans prepared for developments located outside of the Protected Area (Note: Does not change the requirement of whether or not to prepare a Habitat Mitigation Plan).
- Update the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) reference dates to be August 19, 2020 for King County and March 7, 2017 for Pierce County Areas. Please note that maps of the north end of the City of Auburn that show the existing and proposed special flood hazard areas were e-mailed and mailed to the Planning Commission members as requested at the Planning Commission meeting that occurred on March 3rd, 2020.
- Update the code per various comments received from DOE between March 2nd to March 30th. The details of all of the required changes are provided in a separate document called Comments from Department of Ecology that was prepared by David Radabaugh, with DOE. Below is a brief summary of the required changes.
 - Additional updates to the exact working of some definitions
 - Update the reference to the Flood Insurance Studies to be 8/19/2020
 - A portion of the Urban Growth Area is in an area covered by the Pierce County FIS, the City should also adopt the Pierce County FIS and FIRMs
 - Basic floodplain permit application requirements are needed in code.
 - A new section for Notification to Other Entities was added
 - Building construction and documentation requirements were slightly updated
 - Additional variance criteria was added
 - A new section for Standard for Shallow Flooding Areas (AO Zones) was added

Key Ordinance Change No. 1 - Area to be Regulated

In the 2010 Model Ordinance used by the City for development of its current regulations, the area specified to be regulated is the Special Flood Hazard Area (SFHA) and all 'Protected Areas'. The 2013 revised Model Ordinance specifies that the area to be regulated is the SFHA (inclusive of any 'Protected Areas' that are located within the extent of the SFHA) and removes the reference to "Protected Areas".

Protected Areas include the Riparian Habitat Zone (RHZ), any mapped Channel Migration Area (CMAs), and the FEMA-designated floodway. The RHZ is a dimensioned zone adjacent to rivers and streams located within the SFHA, and varies in width from 150 feet to 250 on each side of the river or stream's Ordinary High Water Mark (OHWM). In a number of cases in Auburn, the extent of the RHZ reaches beyond the SFHA that the river or stream is located within, resulting in a regulated area that includes the SFHA and the additional area of the RHZ that occurs outside of the SFHA in which that reach of river or stream is located within. One significant area where this occurs is along the western shoreline of the Green River, where there are urban

densities of existing single-family and multi-family residences. In a number of cases, these RHZ areas outside of the SFHA are also located behind existing levees, or at elevations that are not expected to experience flooding during the base flood (also referred to as the “100-year” or “1% annual recurrence probability” flood).

While the primary purpose of regulating this RHZ area outside of the SFHA is to protect or preserve critical floodplain habitat for federally-listed threatened and endangered species, many of these areas have previously been heavily developed, and consist of structures, paved or other impervious surfaces, and urban landscaping, and consequently offer little habitat value to aquatic species.

Auburn also has a mapped CMA for the Green River that is presently included as part of its regulatory floodplain as required by the original (2010) Model Ordinance. Similar to the RHZ, the CMA also extends beyond the SFHA area in a number of areas within the City, and in many cases portions of this area are also located behind existing levees.

The third element of the Protected Area, the FEMA-designated floodway, is in all cases located within the FEMA-designated SFHA and therefore does result in any additional areas for floodplain regulation beyond the SFHA under the City’s current regulations.

City staff recommends revising the regulatory floodplain to include the SFHA and the Protected Area as it occurs within the SFHA, unless the area is undeveloped with predominately native vegetation that have benefits to endangered species, in which case the regulations for riparian habitat zones shall apply and be included in the regulatory floodplain. This so that existing built out areas are not exposed to development requirements that don’t make sense when they are expanding or modifying a development. The intent is to apply the critical area and floodplain regulations to areas where it matters most and to not require habitat protection plans or other types of efforts in already built out areas.

Key Ordinance Change No. 2 - Designation of Channel Migration Area

The 2010 Model Ordinance required CMAs to be delineated as part of the regulatory floodplain map, in any areas where channel migration areas had previously been mapped and adopted for local regulatory purposes, with the addition of 50 feet. It further specified that if there was no adopted channel migration area map for a water body, that there was no requirement to prepare a new delineation of a CMA for floodplain regulatory purposes.

The 2013 revised Model Ordinance specifies that where a channel migration area has not been mapped/adopted by the community, that a floodplain permit applicant shall either designate the entire SFHA as the channel migration area, or conduct a study to identify the channel migration area in accordance with FEMA’s Regional Guidance for Hydrologic and Hydraulic Studies. The revised Model Ordinance also specifies that the floodplain administrator shall use the most restrictive data available for determining the channel migration area.

At the time of the City’s 2010 flood hazard area amendments, the only established mapped channel migration area in Auburn was associated with the Green River (identified by a 1993 King County channel migration study). As a result, the only CMA that is designated on the City’s current regulatory floodplain map is the Green River CMA. A channel migration area has not yet

been mapped for the White River or Mill Creek, and there is therefore no CMA designated or required to be evaluated for development applications in the SFHA for these water bodies.

The revised Model Ordinance requires that for any floodplain permit application for development located within the SFHA where a CMA has not yet been mapped (White River SFHIA, Mill Creek SFHA, and portions of Green River SFHA), the applicant has the option of treating the entire SFHA within the project area as a CMA, or to submit a special hydrologic/hydraulic study that establishes the location of the CMA pursuant to FEMA's technical criteria.

City staff recommends that we provide applicants for development within the floodplain the option to either provide a study that locates the CMA for their proposed development site as described in the revised Model Ordinance or designate that all areas in the SFHA for which no CMA has been mapped shall meet the requirements for a CMA (i.e. all SFHAs without a mapped CMA would be automatically included as part of the Protected Area).

Comments From Department of Ecology
Draft Auburn Flood Damage Prevention Ordinance

Received March 18, 2020.

1. ACC 15.68.020 G and H have incomplete sentences and do not make sense.
2. The definition of Base Flood needs to be changed. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the “100-year flood”). Flooding can occur outside of the FEMA mapped SFHA.
3. Certain definitions need to be corrected:
 - a. **Base Flood Elevation (BFE):** The elevation to which floodwater is anticipated to rise during the base flood.
 - b. **Critical Facility.** The draft has arguably created a circular definition. What is a “critical public facility.” Please clarify.
 - c. **Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
 - d. **Elevation Certificate:** An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).
 - e. **Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."
 - f. **Functionally dependent use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and

unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

- g. **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).
- h. **Mean Sea Level:** For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.
- i. **New construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- j. **Recreational Vehicle:** A vehicle,
 - 1) Built on a single chassis;
 - 2) 400 square feet or less when measured at the largest horizontal projection;
 - 3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- k. **Start of construction:** Includes substantial improvement and means 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 from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a

basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- I. **Substantial improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
 - 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
 - 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
4. Update the reference to the Flood Insurance Studies (FIS). Because a portion of the UGA is in an area covered by the Pierce County FIS, the city should also adopt the Pierce County FIS and FIRMs.

Basis for Establishing the Areas of Special Flood Hazard

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for King County Washington and Incorporated Areas" dated August 19, 2020, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated August 19, 2020, and any revisions thereto, as well as the special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Pierce County Washington and Incorporated Areas" dated March 7, 2017, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated March 7, 2017, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at 1 East Main St, Auburn, WA 98001.

5. Add basic application submittal requirements in code:

15.68.170 Floodplain Development Permit Application.

Applications for a floodplain development permit shall be made using the criteria outlined in the Floodplain Development Application Packet available for download at www.auburnwa.gov/forms.

At a minimum, the following information is required:

- 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
- 2) Elevation in relation to mean sea level to which any structure has been flood proofed;
- 3) Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5.2-2;
- 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- 5) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
- 6) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

6. Add to ACC 165.68.200:

Review all floodplain development permits to verify that proposed development will be reasonably safe from flooding.

7. 15.68.XXX Notification to Other Entities – Add this new section

Whenever a watercourse is to be altered or relocated:

- 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and
- 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

8. Modify 15.68.210 Records, to read:

- A. Where base flood elevation data have been obtained pursuant to Section 15.68.130 and 15.68.150, the floodplain administrator or designee shall obtain, record, and maintain the actual “finished construction” elevations provided by the applicant for the locations listed in Section 15.68.170. This information shall be recorded on a current FEMA Elevation Certificate signed and sealed by a professional land surveyor, currently licensed in the State of Washington.
 - B. For all new or substantially improved dry floodproofed nonresidential structures, where base flood elevation data has been obtained pursuant to Section 15.68.130 and 15.68.150, the floodplain administrator or designee shall obtain, record and maintain the elevation (in relation to the datum of the effective FIRM) to which the structure was floodproofed. This information shall be recorded on a current FEMA Floodproofing Certificate by a professional engineer currently licensed in the State of Washington.
 - C. Certification required by Section 5.4.1 {or the numbering system used by the community} (floodway encroachments).
 - D. Records of all variance actions, including justification for their issuance.
 - E. Improvement and damage calculations.
 - F. Maintain for public inspection all records pertaining to the provisions of this ordinance.
9. Added variance criteria:
- D. Variances shall only be issued:
 - a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 - d) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - e) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined

in Section 2.0 **{or the numbering system used by the community}** of this ordinance in the definition of “Functionally Dependent Use.”

- E. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- F) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4.0 and 5.0 **{or the numbering system used by the community}** of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

G. Variance Criteria

- 1) In considering variance applications, the **{Governing Body}** shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - a) The danger that materials may be swept onto other lands to the injury of others;
 - b) The danger to life and property due to flooding or erosion damage;
 - c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity to the facility of a waterfront location, where applicable;
 - f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - g) The compatibility of the proposed use with existing and anticipated development;
 - h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- i) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,
- k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

10. The following is also recommended:

Additional Requirements for the Issuance of a Variance

- 1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - b. Such construction below the BFE increases risks to life and property.
- 2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
- 3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.

Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

11. Delete ACC 15.68.150(D). This section creates floodways without a technical justification.

12. Additions to ACC 15.68.310:

- A. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

13. New section:

Enclosed Area Below the Lowest Floor

If 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.

14. Recognize that as drafted, ACC 15.68.410.B would require an engineering analysis in unnumbered A Zones.

15. If utilizing exceptions to floodway prohibition, then utilize complete text:

1) Replacement of Farmhouses in Floodway

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

- a) The new farmhouse is a replacement for an existing farmhouse on the same farm site;
- b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
- c) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
- d) A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
- e) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
- f) For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
- g) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;

- h) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
- i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

2. Substantially Damaged Residences in Floodway

- a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).
- b) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

- v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.
- vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.
- vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

16. Include AO Zone language:

STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)

Shallow flooding areas appear on FIRMs as AO Zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO Zones:

1. New construction and substantial improvements of residential structures and manufactured homes within AO Zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(3).
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
 - a. Be on the site for fewer than 180 consecutive days, or

- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2)).

Chapter 15.68
FLOODPLAIN DEVELOPMENT MANAGEMENT

Sections:

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- 15.68.020 Purpose.
- 15.68.030 Lands to which this Ordinance Applies.
- 15.68.040 Approach.
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- 15.68.070 Abrogation and Greater Restrictions.
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- 15.68.370 Non-Development Activities.
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- 15.68.430 Compensatory Storage.
- 15.68.440 Habitat Impact Assessment.
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- 15.68.460 Alteration of Watercourses.

Section 1. General

15.68.010 Statutory Authorization.

A. The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

Therefore, the City does ordain as follows:

B. Findings of Fact:

Areas of Auburn are subject to periodic inundation and channel migration which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for protection and relief from flooding and channel migration, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

When floodplains and watersheds are developed without taking appropriate care and precautions, flood heights, frequencies, and velocities increase, which may cause a greater threat to humans, damage to property, destruction of natural floodplain functions, and adverse impacts to water quality and habitat. Rivers, streams, lakes, estuarine and marine areas and their floodplains are major elements of healthy aquatic and riparian areas and conveyance of flood waters. If watersheds, rivers, streams, lakes, estuaries, floodplains and other systems are not viewed holistically as biological and geomorphologic units, it may lead to serious degradation of habitat and increased flood hazards to people and human development. Over the years, natural processes have evolved that manage flood waters and channel flows in the most effective and efficient manner. Disruption of these processes through alterations to land cover, stream channels, wetlands and other water bodies which may lead to increased flood hazards, loss of life and property, threats to public health, and loss of habitat.

15.68.020 Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to manage development in order to:

- A. Protect human life, health and property from the dangers of flooding;
- B. Minimize the need for publicly funded and hazardous rescue efforts to save those who are isolated by floodwaters;
- C. Minimize expenditure of public money for costly flood damage repair and flood control projects;
- D. Minimize disruption of commerce, governmental services, and government infrastructure;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in the floodplain.;
- F. Minimize cost impacts to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in the special flood hazard area.;
- G. Maintain a stable tax base by providing for the sound use of and development of flood hazard areas so as to minimize blight areas caused by flooding;
- H. Encourage those who occupy flood hazard areas be educated about the risks and challenges associated with these areas.;
- I. Qualify the City of Auburn for participation in the National Flood Insurance Program, thereby giving citizens and businesses the opportunity to purchase flood insurance;
- J. Maintain the quality of water in rivers, streams, and lakes, and their floodplains so as to protect public water supplies, areas of the Public Trust, and wildlife habitat protected by the Endangered Species Act;
- K. Retain the natural channel, shoreline, and floodplain creation processes and other natural floodplain functions that protect, create, and maintain habitat for threatened and endangered species; and
- L. Prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels.

15.68.030 Lands to which this Ordinance Applies.

This ordinance shall apply to the Special Flood Hazard Area (SFHA) and associated protected areas within the jurisdiction of the City of Auburn as defined in Section 3 of this Ordinance.

15.68.040 Approach.

In order to achieve the listed purposes, this ordinance:

- A. Defines and clarifies the terms and phrases used in this ordinance in Section 2.
- B. Identifies in Section 3 the Special Flood Hazard Area, the Protected Area and the supporting technical data needed to delineate those areas.
- C. Establishes a permit requirement in Section 4 so that all proposed development that may affect flood hazards, water quality and habitat is reviewed prior to construction.
- D. Sets minimum protection standards in Section 5 for all development to ensure that the development will not increase the potential for flood damage or adversely affect natural floodplain functions.
- E. Sets minimum protection standards to protect new and substantially improved structures from flood damage in Section 6.
- F. Specifies additional habitat protection criteria in Section 7. Some small projects do not need a floodplain development permit (see ACC 15.68.380). For all other development projects, the applicant must assess their impact on those factors that contribute to increased flood hazard and degradation of habitat. If the assessment concludes that the project will cause an adverse effect outside the Protected Area, the permit will be denied, unless the project impacts are mitigated (avoided, minimized, restored or compensated for).

15.68.050 Penalties for Noncompliance.

No development shall be undertaken or placed in the areas regulated by this ordinance without full compliance with the terms of this ordinance and other applicable regulations of the City. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be enforced pursuant to the provisions of Chapter 1.25 ACC.

15.68.060 Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the City; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes;

15.68.070 Abrogation and Regulation Conflicts

Where this ordinance and another code, or ordinance, conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.68.080 Warning and Disclaimer of Liability.

The degree of property and habitat protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods and movement of channels outside of mapped channel migration areas may occur on rare occasions. Flood heights may be increased by unnatural or natural causes. This ordinance does not imply that land outside the regulated areas

or development permitted within such areas will be free from flood or erosion damage. This ordinance shall not create liability on the part of the City, any officer or employee thereof, for any damage to property or habitat that results from reliance on this ordinance or any administrative decision lawfully made hereunder.

15.68.090 Severability

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 2. Definitions

15.68.100 Definitions.

Unless specifically defined below, terms or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- A. "Adversely affect/adverse effect" means effects that are a direct or indirect result of the proposed action or its interrelated or interdependent actions and the effect is not discountable, insignificant, or beneficial. Discountable effects are extremely unlikely to occur. Insignificant effects relate to the size of the impact and should never reach the scale where a take occurs. Based on best judgment, a person would not: 1) be able to meaningfully measure, detect, or evaluate insignificant effects, or 2) expect discountable effects to occur. Beneficial effects are contemporaneous positive effects without any adverse effects. In the event that the overall effect of the proposed action is beneficial, but is also likely to cause some adverse effects, then the proposed action is considered to result in an adverse effect.
- B. "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.
- C. "Appurtenant Structure" means a structure which is on the same parcel as the principle structure to be insured and the use of which is incidental to the use of the principal structure.
- D. "Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.
- E. "Area of special flood hazard" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".
- F. "ASCE 24" means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.
- G. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").
- H. "Base flood elevation" means the elevation to which floodwater is anticipated to rise during the base flood.

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- I. "Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.
- J. "Building Code" means the currently effective versions of the International Building Code and the International Residential Code adopted by the Washington State Legislature and any further amendments adopted by the City of Auburn.
- K. "Channel Migration Zone" (CMZ) means the area within the lateral extent of likely stream channel movement due to stream bank destabilization and erosion, rapid stream incision, aggradation, avulsions, and shifts in location of stream channels.
1. The channel migration area shall be the total area occupied by the river channel, the severe channel migration hazard area, and the moderate channel migration hazard area as delineated in the Green River Channel Migration Study published by King County dated December 1993 plus 50 feet.
 2. The channel migration area shall be the total area occupied by the river channel, the severe channel migration hazard area, and the moderate channel migration hazard area as delineated in the Channel Migration Zone Delineation for the Middle Green River, RM 31.10 to 33.25 dated December 28, 2018 plus 50-feet which supersedes the study referenced above.
 3. A site specific channel migration delineation may also be performed per the Washington State Department of Ecology's current requirements with recommended setbacks (A Framework for Delineating Channel Migration Zones) prepared by a qualified engineer. The delineation shall be prepared by a qualified consultant as that term is defined in these regulations. The city may retain a qualified consultant paid for by the applicant to review and confirm the applicant's reports, studies and plans if the following circumstances exist:
 - a. The city has technical information that is unavailable to the applicant; or
 - b. The applicant has provided inaccurate or incomplete information on previous proposals or proposals currently under consideration.
- L. "Critical facility" means a facility necessary to protect the public health, safety and welfare during a flood. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use).
- M. "Development" means any human-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
- N. "Dry floodproofing" means any combination of structural and nonstructural measures that prevent flood waters from entering a structure.
- O. "Elevation Certificate" means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).
- P. "Essential Facility" has the same meaning as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

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- Q. "FEMA" means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.
- R. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters; and/or
 2. The unusual and rapid accumulation of runoff of surface waters from any source.
 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 4. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1) of this definition.
- S. "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).
- T. "Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.
- U. "Flood insurance study (FIS)" means the official report(s) provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map, and the water surface elevation of the base flood.
- V. "Floodplain or flood prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."
- W. "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.
- X. "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.
- Y. "Flood protection elevation (FPE)" means the elevation above the datum of the effective FIRM to which new and substantially improved structures must be protected from flood damage.
- Z. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to the "Regulatory Floodway."
- AA. "Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are

necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

BB. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

CC. "Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

DD. "Hyporheic zone" means a saturated layer of rock or sediment beneath and/or adjacent to a stream channel that contains some proportion of channel water or that has been altered by channel water infiltration.

EE. "Impervious surface" means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

FF. "Lowest floor" means the lowest enclosed area (including basement) An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found in ACC 15.68.170(A)(7) (i.e. provided there are adequate flood ventilation openings).

GG. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

HH. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

II. "Market value" shall mean the current assessed value as established by the most recent tax roll of the county assessor in which the property is located. An applicant may, at applicant's expense, provide an appraisal to determine market value.

JJ. “Mean Sea Level” means for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

KK. “Native vegetation” means plant species that are indigenous to the community’s area and that reasonably could be expected to naturally occur on the site.

LL. “Natural floodplain functions” means the contribution that a floodplain makes to support habitat, including, but not limited to, providing flood storage and conveyance, reducing flood velocities, reducing sedimentation, filtering nutrients and impurities from runoff, processing organic wastes, moderating temperature fluctuations, and providing breeding and feeding grounds, shelter, and refugia, for aquatic or riparian species.

MM. “New construction” means for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance adopted by a community and includes any subsequent improvements to such structures.

NN. “Principal Structure” means a structure in which the principal use of the lot on which it is located is conducted.

OO. “Protected area” means the lands that lie within the boundaries of the floodway, the riparian buffer zone, and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the Protected Area.

PP. “Reasonably Safe from Flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

QQ. “Recreational vehicle” means a vehicle:

1. Built on a single chassis; and,
2. Four hundred square feet or less when measured at the largest horizontal projection; and,
3. Designed to be self-propelled or permanently towable by an automobile or light-duty truck; and,
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RR. “Riparian” means of, adjacent to, or living on, the bank of a stream, lake, pond, sound, or other water body.

SS. “Riparian buffer zone” means the land located adjacent to streams, and other bodies of water, where the natural soil, hydrology, and native flora and fauna perform important ecological functions such as protecting the water body by filtering out pollutants, preventing erosion and sedimentation, stabilizing stream banks, and providing natural shade. They are often thin lines-of-green containing native grasses, flowers, shrubs and trees that line the banks of streams and other bodies of water. The riparian buffer zone for the Puget Sound

Biological Opinion applies only to areas mapped within the Special Flood Hazard Area, unless the area is undeveloped with predominately native vegetation that have benefits to endangered species, in which case the regulations for riparian habitat zones shall apply.

TT. "Riparian Habitat Zone" means the water body and adjacent land areas that are likely to support aquatic and riparian habitat.

UU. "Special flood hazard area (SFHA)" means the land subject to inundation by the base flood. Special flood hazard areas are designated on Flood Insurance Rate Maps with the letters "A" or "V" include AE (floodway), AO, AH, A1-99 and VE. The Special Flood Hazard Area is also referred to as the area of special flood hazard or SFHA.

VV. "Start of construction" includes substantial improvement, and means 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 date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

WW. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

XX. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred

YY. "Substantial improvement" means any reconstruction, rehabilitation, addition, replacement or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

ZZ. "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

AAA. "Violation" means the failure of a structure or other development to be constructed or implemented in conformance with the community's applicable floodplain development regulations.

BBB. "Water typing" means a system for classifying water bodies according to their size and fish habitat characteristics. The Washington Department of Natural Resources Forest Practices Water Typing Classification System is hereby adopted by reference. The system defines four water types:

1. Type "S" – Shoreline: Streams that are designated "shorelines of the state," including marine shorelines.
2. Type "F" – Fish: Streams that are known to be used by fish or meet the physical criteria to be potentially used by fish.
3. Type "Np" – Non-fish perennial streams.
4. Type "Ns" – Non-fish seasonal streams.

CCC. "Zone" means one or more areas delineated on the FIRM. The following zones may be used on the adopted FIRM. The special flood hazard area is comprised of the A and V Zones.

1. A: SFHA where no base flood elevation is provided.
2. A#: Numbered A zones (e.g., A7 or A14), SFHA with a base flood elevation.
3. AE: SFHA with a base flood elevation.
4. AO: SFHA subject to inundation by shallow flooding usually resulting from sheet flow on sloping terrain, with average depths between one and three feet. Average flood depths are shown.
5. AH: SFHA subject to inundation by shallow flooding (usually areas of ponding) with average depths between one and three feet. Base flood elevations are shown.
6. B: The area between the SFHA and the 500-year flood of the primary source of flooding. It may also be an area with a local, shallow flooding problem or an area protected by a levee.
7. C: An area of minimal flood hazard, as above the 500-year flood level of the primary source of flooding. B and C zones may have flooding that does not meet the criteria to be mapped as a special flood hazard area, especially ponding and local drainage problems.
8. D: Area of undetermined but possible flood hazard.
9. X: The area outside the mapped SFHA.
10. Shaded X: The same as a Zone B, above.

Section 3. Regulatory Data

15.68.110 Area to be Regulated.

The area to be regulated is comprised of the Special Flood Hazard Area and all Protected Areas within the Special Flood Hazard Area within the jurisdiction of the City of Auburn. The term also includes areas delineated pursuant to Section 15.68.150.

15.68.120 Special Flood Hazard Area.

Basis for Establishing the Areas of Special Flood Hazard

A. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for King County Washington and Incorporated

Areas” dated August 19, 2020, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated August 19, 2020, and any revisions thereto, as well as the special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for Pierce County Washington and Incorporated Areas” dated March 7, 2017, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated March 7, 2017, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at 1 East Main St, Auburn, WA 98001.

B. The best available information for flood hazard area identification as outlined in Section 15.68.130(D) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 15.68.130(D).

C. Upon receipt of a floodplain development permit application, the floodplain administrator or designee shall compare the elevation of the site to the base flood elevation.

D. The floodplain administrator or designee shall inform the applicant that the project may still be subject to the flood insurance purchase requirements unless the owner receives a Letter of Map Amendment (LOMA) from FEMA.

E. The floodplain administrator or designee shall make interpretations where needed, as to the exact locations of the boundaries of the SFHA and the Protected Area (e.g. where there appears to be a conflict between the mapped SFHA boundary and actual field conditions as determined by the base flood elevation and ground elevations) as it applies to proposed development. The applicant may appeal the floodplain administrator’s or designee’s interpretation of the location of the boundary to the Hearing Examiner for the City of Auburn.

15.68.130 Flood Hazard Data.

A. The base flood elevation for the SFHAs incorporated in 15.68.120(A) shall be utilized.

B. The Flood Protection Elevation (FPE) shall be the base flood elevation plus one (1) foot.

C. The floodway shall be as delineated on the Flood Insurance Rate Map.

D. Where base flood elevation and floodway data have not been provided in Special Flood Hazard Areas, the floodplain administrator or designee shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source.

15.68.140 Protected Area.

A. The Protected Area is comprised of those lands that lie within the boundaries of the floodway, the riparian buffer zone, and the channel migration area.

B. In riverine areas, where a floodway has been designated in accordance with Sections 15.68.130(C), 15.68.130(D) or 15.68.150(E), the Protected Area is comprised of those lands that lie within the boundaries of the riparian buffer zone, the channel migration area, and the SFHA.

C. Riparian Buffer Zone: The riparian buffer zone includes those watercourses within the SFHA and adjacent land areas that are likely to support aquatic and riparian habitat.

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1. The size and location of the riparian buffer zone is dependent on the type of water body. The riparian buffer zone includes the water body and adjacent lands, measured perpendicularly from ordinary high water mark on both sides of the water body:
 - a. Type S streams that are designated "shorelines of the State:" 250 feet
 - b. Type F streams (fish bearing) streams greater than 5 feet wide and marine shorelines: 200 feet
 - c. Type F streams less than 5 feet wide and lakes: 150 feet
 - d. Type N (nonsalmonid-bearing) perennial and seasonal streams with unstable slopes: 225 feet
 - e. All other Type N (nonsalmonid-bearing) perennial and seasonal streams: 150 feet.
 2. The riparian buffer zone shall be delineated on the site plan by the applicant at the time of application for subdivision approval or floodplain development permit for all development proposals within 300 feet of any stream or shoreline.
- D. Channel Migration Area:
- a. The channel migration area shall be the channel migration zone as defined in Section 15.68.100(K).
 - b. Where more than one channel migration zone has been delineated, the floodplain administrator or designee shall use the delineation that has been adopted for other local regulatory purposes.
 - c. Where a channel migration zone has not yet been mapped, the provisions of Section 15.68.150(D) shall apply at the time of permit application.

15.68.150 New Regulatory Data.

- A. All requests to revise or change the flood hazard data, including requests for a Letter of Map Revision and a Conditional Letter of Map Revision shall be reviewed by the floodplain administrator or designee.
1. The floodplain administrator or designee shall not sign the Community Acknowledgment Form for any requests based on filling or other development, unless the applicant for the letter documents that such filling or development is in compliance with this ordinance.
 2. The floodplain administrator or designee shall not approve a request to revise or change a floodway delineation until FEMA has issued a Conditional Letter of Map Revision that approves the change.
- B. If an applicant disagrees with the regulatory data prescribed by this ordinance, he/she may submit a detailed technical study needed to replace existing data with better data in accordance with FEMA mapping guidelines or *Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management under the National Flood Insurance Program and Endangered Species Act* FEMA Region X, 2010. If the data in question are shown on the published FIRM, the submittal must also include a request to FEMA for a Conditional Letter of Map Revision.
- C. Where base flood elevation data are not available in accordance with Section 15.68.130, applicants for approval of new subdivisions and other proposed developments (including proposals for manufactured home

parks) greater than 50 lots or 5 acres, whichever is the lesser, shall include such data with their permit applications.

D. Where channel migration zone data are not available in accordance with 15.68.140(D), the permit applicant shall either:

1. Designate the entire SFHA as the channel migration zone or
2. Identify the channel migration area in accordance with *Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management under the National Flood Insurance Program and Endangered Species Act* FEMA Region X, 2012.

E. All new hydrologic and hydraulic flood studies conducted pursuant to Section 15.68.150 shall be in accordance with *Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management under the National Flood Insurance Program and the Endangered Species Act*, FEMA, Region X, 2010.

F. The floodplain administrator shall use the most restrictive data available prepared specifically for the project site for the channel migration zone, floodways, future conditions, and riparian buffer zone.

Section 4. Administration

15.68.160 Establishment of Floodplain Development Permit

A floodplain development permit shall be obtained before construction or development begins within the Special Flood Hazard Area (SFHA) or Protected Area. The permit shall be for all development as set forth in

15.68.170 Floodplain Development Permit Application.

Applications for a floodplain development permit shall be made using the criteria outlined in the Floodplain Development Application Packet available for download at www.auburnwa.gov/forms. At a minimum, the following information is required.

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
- B. Elevation in relation to mean sea level to which any structure has been flood proofed;
- C. Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5;
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- E. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
- F. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

15.68.180 Floodplain Development Permit Expiration.

If there has been no start of construction, a floodplain development permit shall expire 180 days after the date of issuance. Where the applicant documents a need for an extension beyond this period due to conditions beyond the applicant's control, the floodplain administrator or designee may authorize one or more extensions.

15.68.190 Designation of the Floodplain Administrator.

The Director of Community Development is hereby appointed to administer, interpret, and implement this ordinance by granting or denying floodplain development permit applications in accordance with its provision. The Director of Community Development may designate administration of portions or all of this ordinance to a qualified person.

15.68.200 Duties of the Floodplain Administrator.

Duties of the floodplain administrator or designee shall include, but are not limited to:

- A. Review all floodplain development permits to determine that the permit requirements of this ordinance have been satisfied.
- B. Review all floodplain development permits to determine that all necessary permits have been obtained from those Federal, State or local government agencies from which prior approval is required, including those local, State or Federal permits that may be required to assure compliance with the Endangered Species Act and/or other appropriate State or Federal laws.
- C. Review all floodplain development permits to determine if the proposed development is located in the Protected Area. If located in the Protected Area, ensure that the provisions of Section 7 are met.
- D. Ensure that all development activities within the Special Flood Hazard Area of the jurisdiction of the City meet the requirements of the ordinance.
- E. Inspect all development projects before, during and after construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
- F. Maintain for public inspection all records pertaining to the provisions of this ordinance.
- G. Submit reports to include the projects for which they issue floodplain development permits, including effects to flood storage, fish habitat, and all indirect effects of development and mitigation provided to FEMA as required by the National Flood Insurance Program.
- H. Notify FEMA of any proposed amendments to this ordinance and when annexations occur in the Special Flood Hazard Area.
- I. Ensure the proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 15.68.410 are met
- J. Cooperate with State and Federal agencies to improve flood and other technical data and notify FEMA of any new data that would revise the FIRM.
- K. Review all floodplain development permits to verify that proposed development will be reasonably safe from flooding.

15.68.210 Notification to Other Entities

Whenever a watercourse is to be altered or relocated:

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- A. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and
 - B. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

15.68.220 Records.

- A. Where base flood elevation data have been obtained pursuant to Section 15.68.130 and 15.68.150, the floodplain administrator or designee shall obtain, record, and maintain the actual “finished construction” elevations provided by the applicant for the locations listed in Section 15.68.170. This information shall be recorded on a current FEMA Elevation Certificate signed and sealed by a professional land surveyor, currently licensed in the State of Washington.
- B. For all new or substantially improved dry floodproofed nonresidential structures, where base flood elevation data has been obtained pursuant to Section 15.68.130 and 15.68.150, the floodplain administrator or designee shall obtain, record and maintain the elevation (in relation to the datum of the effective FIRM) to which the structure was floodproofed. This information shall be recorded on a current FEMA Floodproofing Certificate by a professional engineer currently licensed in the State of Washington.
- C. Certification required by Section 15.68.410 (floodway encroachments).
- D. Records of all variance actions, including justification for their issuance.
- E. Improvement and damage calculations.
- F. Maintain for public inspection all records pertaining to the provisions of this ordinance.

15.68.230 Certificate of Occupancy.

- A. A final grading and/or storm permit for the property, physical completion for City of Auburn Capital Improvement projects without a building, a certificate of occupancy (commercial building) or final building inspection (residential structure) for a new or substantially improved structure or an addition shall not be issued until:
 - 1. The permit applicant provides a properly completed, signed and sealed Elevation or Floodproofing Certificate showing finished construction data as required by Section 15.68.220;
 - 2. If a mitigation plan is required by Sections 15.68.440 and 15.68.450, all work identified in the plan has been completed according to the plan's schedule;
 - 3. The applicant provides copies of all required Federal, State, and local permits noted in the permit application per Section 15.68.170;
 - 4. All other provisions of this ordinance and conditions placed on the floodplain development permit approval letter have been met.

15.68.240 Appeals.

- A. The Hearing Examiner, as established by Chapter 2.46 of the Auburn City Code, shall hear and decide appeals and requests for variances from the requirements of this ordinance.

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- B. The Hearing Examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator or designee in the enforcement or administration of this ordinance.
- C. Those aggrieved by the decision of the Hearing Examiner may appeal the decision to the superior court of the county in which the project is located pursuant to Section 2.46.160 of the Auburn City Code.
- D. Upon consideration of the factors of Section 15.68.250 and the purposes of this ordinance, the Hearing Examiner may attach such conditions to the granting of the variance as he/she deems necessary to further the purposes of this ordinance.
- E. The floodplain administrator or designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

15.68.250 Variance Criteria.

- A. In addition to the Criteria outlined in ACC 18.70.025, in reviewing applications for a variance, the Hearing Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and:
1. The relationship of the proposed use to the comprehensive plan, growth management regulations, critical area regulations, the shoreline management program and floodplain management program for the area;
 2. The potential of the proposed development project to destroy or adversely affect a fish and wildlife habitat conservation area or create an adverse effect to federal, state or locally protected species or habitat;
 3. Is the minimum necessary to grant relief; and,
- B. In addition to the Criteria outlined in ACC 18.70.025, no variance shall be granted to the requirements of this ordinance unless the applicant demonstrates that:
1. The project will not adversely affect features or quality of habitat supporting local, state or federally protected fish or wildlife;
- C. Variances may be requested for new construction, substantial improvements, and other development for the conduct of functionally dependent uses provided:
1. There is good and sufficient cause for providing relief;
 2. The variance is the minimum necessary to provide relief;
 3. The variance does not cause a rise in the 100-year flood level within the regulatory floodplain;
 4. The project will not adversely affect federal, state or locally protected fish, wildlife and their habitat or the functions associated with their habitat.
- D. Variances shall only be issued:
1. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 2. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a

historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

3. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
4. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2 of this ordinance in the definition of "Functionally Dependent Use."

E. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

F. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4 and 5 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

G. In considering variance applications, the **{Governing Body}** shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

Section 5. General Development Standards

The provisions of Section 5 shall apply in the Special Flood Hazard Area:

15.68.260 Subdivisions.

This section applies to all subdivision proposals, including short subdivisions, preliminary subdivisions, binding site plans, and expansions to manufactured home parks as defined in Chapter 17.04 ACC.

- A. All proposals shall be consistent with the need to minimize flood damage.
- B. The proposed subdivision must have one or more new lots in the Special Flood Hazard Area set aside for open space use through deed restriction, easement, subdivision covenant, or donation to a public agency.
 - 1. In the Special Flood Hazard Area outside the Protected Area, zoning must maintain a low density of floodplain development.
 - 2. In the Special Flood Hazard Area outside the protected area in which the current zoning is less than 5 acres must maintain current zoning.
 - 3. The density of development in the portion of the development outside the Special Flood Hazard Area may be increased to compensate for the amount of land in the Special Flood Hazard Area preserved as open space in accordance with Chapter 17.25 ACC.
- C. If a parcel has a buildable site outside the Special Flood Hazard Area, it shall not be subdivided to create a new lot that does not have a buildable site outside of the Special Flood Hazard Area. This provision does not apply to tracts that are to be preserved as open space.
- D. All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to prevent flood damage.
- E. All proposals shall ensure that all subdivisions have at least one access road connected to land outside the Special Flood Hazard Area with the surface of the road at or above the FPE wherever possible. Additional access roads may be required based on the number of proposed lots per the current City of Auburn Engineering Design Standards.
- F. All proposals shall have adequate drainage provided to avoid exposure to water damage.
- G. The final recorded plat shall include a notice that part of the property is in the SFHA, riparian buffer zone and/or channel migration area, as appropriate.

15.68.270 Site Design.

- A. Structures and other development shall be located to avoid flood damage or that adequately mitigates any identified impacts.
 - 1. If a lot has a buildable site out of the Special Flood Hazard Area, all new structures shall be located in that area, when possible.
 - 2. If a lot does not have a buildable site out of the Special Flood Hazard Area, all new structures, pavement, and other development must be sited in the location that has the least impact on habitat by locating the development as far from the water body as possible or by placing the structure on the highest portion of the lot.
 - 3. A minimum setback of 15 feet from the Protected Area shall be required for all structures.
 - 4. If the proposed project does not meet the criteria of Section 15.68.270(A) through (B), a habitat impact assessment shall be conducted pursuant to Section 15.68.440 and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to Section 15.68.450.

B. All new development shall be designed and located to minimize the impact on flood flows, flood storage, water quality and habitat.

1. Stormwater and drainage features shall incorporate low impact development techniques, if technically feasible, that mimic pre-development hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected hard surface areas, permeable pavement, vegetative roof systems, etc. per the City's current SWMM per Chapter 12.04 ACC.

2. If the proposed project will create new hard surfaces so that more than 10 percent of the portion of the lot in the Special Flood Hazard Area is covered by hard surface, the applicant shall demonstrate that there will be no net increase in the rate and volume of the stormwater surface runoff per the maximum extent feasible and as required per the City's current SWMM per ACC 13.48 that leaves the site or that the adverse impact is mitigated, as provided in Sections 15.68.440 and 15.68.450.

C. The site plan required in Section 15.68.170 shall account for surface drainage to ensure that:

1. Existing and new buildings on the site will be protected from stormwater runoff; and

2. The project will not divert or increase surface water runoff onto neighboring properties.

15.68.280 Hazardous Materials.

A. No new development shall create a threat to public health, public safety or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other materials that are hazardous, toxic, or a threat to water quality are prohibited from the Special Flood Hazard Area. This prohibition does not apply to small quantities of these materials kept for normal household use. This prohibition does not apply to the continued operations of existing facilities and structure, reuse of existing facilities and structures, or functionally dependent facilities or structures.

B. If the proposed project cannot meet Section 15.68.280(A) of this ordinance, then a habitat impact assessment must be conducted in accordance with Sections 15.68.440 and 15.68.450.

15.68.290 Critical Facilities.

A. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area.

B. Construction of new critical facilities in the Special Flood Hazard Area shall be permissible if no feasible alternative site is available, provided;

1. Critical facilities shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. If there is no available data on the 500-year flood, the permit applicants shall develop the needed data in accordance with FEMA mapping guidelines.

2. Access to and from the critical facility shall be protected to the elevation of the 500-year floodplain. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Section 6. Standards for Protection of Structures

15.68.300 Applicability.

The protection requirements in this section apply to all new structures and substantial improvements, which include:

- A. Construction or placement of a new structure.
- B. Reconstruction, rehabilitation, or other improvement that will result in a substantially improved building.
- C. Repairs to an existing building that has been substantially damaged.
- D. Placing a manufactured home on a site.
- E. Placing an occupied recreational vehicle or travel trailer on a site for more than 180 days.

15.68.310 Flood Protection Standards.

- A. All new structures and substantial improvements shall have the lowest floor, including basement, elevated above the FPE.
- B. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- C. The structure shall be aligned parallel with the direction of flood flows where practicable.
- D. The structure shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
- E. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- F. All materials below the FPE shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife, such as creosote, are prohibited below the FPE.
- G. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage
- H. Electrical, heating, ventilation, duct work, plumbing, and air-conditioning equipment and other service facilities shall be elevated above the FPE. Water, sewage, electrical, and other utility lines (excluding storm drainage facilities) below the FPE shall be constructed so as to minimize water from entering or accumulating within them during conditioning of flooding.
- I. Fully enclosed areas below the lowest floor that are subject to flooding shall be used only for parking, limited storage, or building access and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or licensed architect in the State of Washington and/or meet or exceed the following minimum criteria:
 - 1. A minimum of two openings having a total net area not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2. The bottom of all openings shall be no higher than one foot above grade.

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3. Openings must be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 4. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

15.68.320 Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the requirements of subsection A or B below:

A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

1. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:
2. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater. If located in an AO zone, the structure shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in Section 15.68.220(B).
3. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
4. If buildings are constructed or substantially improved with fully enclosed areas below the lowest floor, that are subject to flooding, the areas shall be used only for parking, limited storage, or building access, and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b. The bottom of all openings shall be no higher than one foot above grade.

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- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - 5. Alternatively, a registered engineer or architect may design and certify engineered openings.
- B. If the requirements of Section 15.68.320(A) are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
- 1. Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.68.220(B);
 - 4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 15.68.320(A)(2);

15.68.330 Manufactured Homes.

All manufactured homes to be placed or substantially improved on sites shall be:

- A. Elevated on a permanent foundation in accordance with Section 15.68.310(A) and
- B. Securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.
- C. If 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.

15.68.340 Recreational Vehicles.

Recreational vehicles placed on sites shall:

- A. Be on the site for fewer than 180 consecutive days, or
- B. Be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached addition; or
- C. Meet the requirements of Section 15.68.340 and the anchoring requirements for manufactured homes in Section 15.68.330.

15.68.350 Appurtenant Structures.

A structure which is on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure and is not used for human habitation may be exempt from the elevation requirements of Section 15.68.310(A), provided:

- A. It is used only for parking or storage;
- B. It is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
- C. It is anchored to prevent flotation which may result in damage to other structures;
- D. All portions of the structure below the FPE must be constructed of flood-resistant materials;
- E. Service utilities such as electrical and heating equipment meet the standards of Section 15.68.310(F) and Section 15.68.360;
- F. It has openings to allow free flowage of water that meet the criteria in Section 15.68.310(I);
- G. The project meets all the other requirements of this ordinance, including Section 7.

15.68.360 Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- B. New water wells shall be located outside the floodway and shall be protected to the FPE;
- C. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the floodwaters;
- D. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. A habitat impact assessment shall be conducted in accordance with Section 15.68.440 as a condition of approval of an onsite waste disposal system to be located in the Special Flood Hazard Area.

Section 7. Standards for Habitat Protection

The provisions of this Section shall apply in the Special Flood Hazard Area and channel migration zone.

15.68.370 Non-Development Activities.

Activities that do not meet the definition of “development” are allowed in the Special Flood Hazard Area and Protected Area without the need for a floodplain development permit under this ordinance, provided all other Federal, State and local requirements are met. The following are examples of activities not considered development or “unnatural changes to improved or unimproved real estate”.

- A. Routine maintenance of landscaping that does not involve grading, excavation or filling;
- B. Removal of noxious weeds and hazard trees and replacement of non-native vegetation with native vegetation;
- C. Normal maintenance of structures, such as re-roofing and replacing siding, provided such work does not qualify as a substantial improvement;
- D. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles;
- E. Underground and above ground utility work located in previously disturbed areas, with no significant vegetation impacts, and will have no appreciable change in grade;

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- F. Normal maintenance and preservation of public streets and private streets or parking lots (with approval of Floodplain Administrator) , including, but not limited to filling potholes, patching, crack seal, chip seal, repaving and installing signs and traffic signs, traffic control devices, striping/channelization, pavement markings, repair/replacement of sidewalk/curb and gutter, ADA improvements, non-motorized improvements, repair of guardrails, repair of retaining walls, management of hazardous trees, fencing repair, lighting repair, but not including expansion of paved areas;
- G. Public street improvements with no significant vegetation impacts, and no appreciable change in grade;
- H. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility are allowed in the Special Flood Hazard Area without the need for a floodplain development permit. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or the toe or addition for protection on the face or toe with rock armor; and
- I. Plowing and other normal flood protection practices (other than structures or filling) on farms in the Special Flood Hazard Area and in existence as of the effective date of this ordinance do not require a floodplain development permit. Clearing additional land for agriculture after the date of this ordinance will require a floodplain development permit and a Habitat Assessment.

15.68.380 Activities Allowed with a Floodplain Development Permit.

The following activities are allowed in the Special Flood Hazard Area without the analysis required in Section 15.68.410 or the habitat impact assessment required under Section 15.68.440, provided that all other requirements of this ordinance are met, including obtaining a floodplain development permit:

- A. Repairs or remodeling of an existing structure, provided that the repairs or remodeling are not a substantial improvement or a repair of substantial damage.
- B. Expansion or reconstruction of an existing structure that is no greater than ten percent beyond its existing footprint, provided that the repairs or remodeling are not a substantial improvement or repair of substantial damage. If the structure is in the floodway, there shall be no change in the structure's dimensions perpendicular to flow.
- C. Activities with the sole purpose of creating, restoring or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat and riparian areas that meet Federal and State standards, provided the activities do not include structures, grading, fill, or hard surfaces.
- D. Development of open space and recreational facilities such as parks, trails and hunting grounds, that do not include structures, fill, hard surfaces or removal of more than five percent of the native vegetation on that portion of the property in the Special Flood Hazard Area.
- E. Repairs to onsite Septic Systems provided the ground disturbance is the minimum necessary and best management practices (BMP's) to prevent stormwater runoff and soil erosion are used.

15.68.390 Other Activities.

All other activities listed in Sections 15.68.370 or 15.68.380 that are allowed by Title 18 (Zoning) of the Auburn City Code are allowed, provided they meet all the other requirements of this ordinance, including the analysis required under Section 15.68.420, 15.68.430, and the habitat impact assessment required under Section 15.68.440, and a floodplain development permit is issued.

15.68.400 Native Vegetation.

The site plan required in the Floodplain Development Application Packet shall show existing native vegetation.

- A. Within the riparian buffer zone, native vegetation shall be left undisturbed, except as provided in Sections 15.68.370 and 15.68.380(C).
- B. Outside the riparian buffer zone, removal of native vegetation shall not exceed 35 percent of the surface area of the portion of the site in the Special Flood Hazard Area. Native vegetation in the riparian buffer zone portion of the property can be counted toward this requirement.
- C. If the proposed project does not meet the criteria of Sections 15.68.400(A) and (B), a habitat impact assessment shall be conducted pursuant to Section 15.68.440 and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to Section 15.68.450.

15.68.410 Floodway Standards.

- A. In addition to the other requirements of this ordinance, a project to develop in the floodway as delineated pursuant to Sections 15.68.130(C), 15.68.130(D) or 15.68.150(E) shall meet the following criteria:
 - 1. The applicant shall provide a certification by a registered professional engineer licensed in the State of Washington demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed development would not result in any increase in flood levels during the occurrence of the base flood discharge.
 - 2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for the following. The following exceptions must still meet all other requirements in the ordinance, including Section 15.68.410(A)(1).
 - a. Repairs, reconstruction, or improvements to a residential structure that do not increase the ground floor area, providing the cost of which does not exceed 50 percent of the market value of the structure either, (1) before the repair, or reconstruction is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by a local code enforcement official, and which are the minimum necessary to assure safe living conditions, or to an historic structure, may be excluded from the 50 percent calculation;
 - b. Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

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- i. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
 - ii. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
 - iii. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
 - iv. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
 - v. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
 - vi. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
 - vii. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;
 - viii. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
 - ix. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
- c. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).
- d. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
- i. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - ii. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.

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- iii. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - iv. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - v. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.
 - vi. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.
 - vii. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
 - e. Repairs, reconstruction, or improvements to residential structures identified as historic structures that do not increase the building's dimensions.

B. In riverine Special Flood Hazard Areas where a floodway has not been delineated pursuant to Sections 15.68.130(C), 15.68.130(D) or 15.68.150(E), the applicant for a project to develop in the SFHA shall provide a certification by a registered professional engineer in the State of Washington demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed development and all other past or future similar developments would not cumulatively result in an increase of flood levels during the occurrence of the base flood discharge by more than one-half foot.

15.68.420 Standards for Shallow Flooding Areas (AO Zones)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones.

- A. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
- B. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - 1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - 2. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of

resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in Section 15.68.310(I).

- C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- D. Recreational vehicles placed on sites within AO zones on the community's FIRM either:
 - 1. Be on the site for fewer than 180 consecutive days, or
 - 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - 3. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 15.68.330(B)).

15.68.430 Compensatory Storage.

New development shall not reduce the effective flood storage volume of the Special Flood Hazard Area. A development proposal shall provide compensatory storage if grading or other activity eliminates any effective flood storage volume. Compensatory storage shall:

- A. Provide equivalent volumes at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water mark and to the best available 10-year, 50-year and 100-year water surface profiles.
- B. Be hydraulically connected to the source of flooding.
- C. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins.
- D. The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

15.68.440 Habitat Impact Assessment.

Unless allowed under Sections 15.68.370 and 15.68.380, a permit application to develop in the Special Flood Hazard Area shall include an assessment of the impact of the project on federal, state or locally protected species and habitat, water quality and aquatic and riparian habitat. The assessment shall be:

- A. A Biological Evaluation or Biological Assessment developed per 50 C.F.R., Subsection 402.12 to initiate Federal Interagency consultation under Endangered Species Act Section 7.a.2; or,
- B. Documentation that the activity fits within Section 4.d of the Endangered Species Act; or,
- C. Documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act, where any such assessment has been prepared or is otherwise made available; or
- D. An assessment prepared in accordance with *Regional Guidance for Floodplain Habitat Assessment and Mitigation*, FEMA Region X, 2013. The assessment shall determine if the project would adversely affect:
 - 1. Species that are Federal, state or local listed as threatened or endangered.

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2. The primary constituent elements for critical habitat when delineated, including but not limited to water quality, water quantity, flood volumes, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids.
 3. Essential Fish Habitat designated by the National Marine Fisheries Service.
 4. Fish and wildlife habitat conservation areas.
 5. Other protected areas and elements necessary for species conservation.

15.68.450 Habitat Mitigation Plan.

A. If the assessment conducted under Section 15.68.440 concludes the project is expected to have an adverse effect on water quality and/or aquatic or riparian habitat or habitat function, the applicant shall provide a plan to mitigate those impacts, in accordance with *Regional Guidance for Floodplain Habitat Assessment and Mitigation*, FEMA Region X, 2013.

1. If the USFWS or NMFS issues an Incidental Take Permit under Section 10 of the Endangered Species Act or a Biological Opinion under Section 7 of the Endangered Species Act; then it can be considered to qualify as a plan to mitigate those impacts.
2. If the project is located in the Protected Area, the mitigation plan shall stipulate avoidance measures as are needed to ensure that there is no adverse effect during any phase of the project. No compensatory mitigation is allowed in the Protected Area.
3. If the project is located outside the Protected Area, the mitigation plan shall include such avoidance, minimization, restoration, or compensation measures so that indirect adverse effects of development are mitigated such that equivalent or better habitat protection is provided for the following functions:
 - a. Stormwater: Reduce flood volumes and stormwater runoff from new development by ensuring that increased volumes of stormwater reach the river at the same frequency, timing and duration as historical runoff. Low Impact Development (LID) is required to be incorporated as described in Section 15.68.270(B).
 - b. Riparian Vegetation: Maintain or replace riparian function by providing equivalent area, diversity, and function of riparian vegetation as currently exists on the site. Riparian retention requirements are outlined in ACC 15.68.400.
 - c. Hyporheic Zones: No activity is allowed that interferes with the natural exchange of flow between surface water, groundwater and hyporheic zone, however, natural hyporheic exchange may be enhanced or restored.
 - d. Wetlands: Wetland function must be maintained or replaced by providing equivalent function.
 - e. Large Woody Debris: Any large woody debris (LWD) removed from the floodplain must be replaced in kind, replicating or improving the quantity, size, and species of the existing LWD per Washington Department of Fish and Wildlife Aquatic Habitat Guidelines.
4. No new stream crossings are allowed outside the Protected Area unless approval has been obtained as stated in Section 15.68.460(A).

B. The plan's habitat mitigation activities shall be incorporated into the proposed project. The floodplain development permit shall be based on the redesigned project and its mitigation components.

C. As required in Section 15.68.230, the floodplain administrator or designee shall not issue a certificate of occupancy or final permits until all work identified in the Habitat Assessment and mitigation plan has been completed or the applicant has provided the necessary assurance that unfinished portions of the project will be completed, in accordance with Section 15.68.230(A).

D. Third-Party Review. For the habitat impact assessment required in Subsection 15.68.440 or the habitat mitigation plan required in this section, the city may require third-party review when the professional opinions of the applicant's representative and the city's reviewers cannot be reconciled. Third-party review requires the applicant's habitat impact assessment, habitat mitigation plan, and/or additional technical studies to be reviewed by an independent third party, paid for by the applicant but hired by the city. Third-party review shall be conducted by a qualified consultant as defined in the Floodplain Habitat Assessment and Mitigation Regional Guidance, FEMA Region X, 2013.

15.68.460 Alteration of Watercourses.

A. In addition to the other requirements in Chapter 15.68, if a project will alter or relocate boundaries of the SFHA, then the applicant shall also submit a request for a Conditional Letter of Map Revision (CLOMR), where required by FEMA with engineering documentation and analysis regarding the proposed change. The project will not be approved unless FEMA issues the CLOMR (which requires Endangered Species Act consultation) and the provisions of the letter are made part of the permit requirements. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.

B. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

C. The floodplain administrator or designee shall notify adjacent communities and the Washington Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

D. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. If the maintenance program does not call for cutting of native vegetation, the system shall be oversized at the time of construction to compensate for said vegetation growth or any other natural factor that may need future maintenance.

Chapter 15.68

~~FLOOD HAZARD AREAS~~ FLOODPLAIN DEVELOPMENT MANAGEMENT

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- 15.68.360 Utilities.

Section 7. Standards for Habitat Protection

- 15.68.370 Non-Development Activities.
- 15.68.380 Activities Allowed with a Floodplain Development Permit.
- 15.68.390 Other Activities.
- 15.68.400 Native Vegetation.
- 15.68.410 Floodway Standards.
- 15.68.420 Standards for Shallow Flooding Areas (AO Zones)
- 15.68.430 Compensatory Storage.
- 15.68.440 Habitat Impact Assessment.
- 15.68.450 Habitat Mitigation Plan.
- 15.68.460 Alteration of Watercourses.

Section 1. General

15.68.010 ~~Reserved~~ **Statutory Authorization.**

A. The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

Therefore, the City does ordain as follows:

B. Findings of Fact:

Areas of Auburn are subject to periodic inundation and channel migration which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for protection and relief from flooding and channel migration, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

When floodplains and watersheds are developed without taking appropriate care and precautions, flood heights, frequencies, and velocities increase, which may cause a greater threat to humans, damage to property, destruction of natural floodplain functions, and adverse impacts to water quality and habitat.

Rivers, streams, lakes, estuarine and marine areas and their floodplains are major elements of healthy aquatic and riparian areas and conveyance of flood waters. If watersheds, rivers, streams, lakes, estuaries, floodplains and other systems are not viewed holistically as biological and geomorphologic units, it may lead to serious degradation of habitat and increased flood hazards to people and human development.

Over the years, natural processes have evolved that manage flood waters and channel flows in the most effective and efficient manner. Disruption of these processes through alterations to land cover, stream channels, wetlands and other water bodies which may lead to increased flood hazards, loss of life and property, threats to public health, and loss of habitat.

15.68.020 — ~~Reserved~~ Purpose.

15.68.030 — ~~Statement of purpose.~~

It is the purpose of this ~~chapter~~ ordinance to promote the public health, safety, and general welfare; and to minimize public and private losses due to flood conditions in specific areas by provisions designed to manage development in order to:

- A. ~~— To protect.~~ Protect human life, health; and ~~to protect~~ property from the dangers of flooding;
- B. ~~— To minimize~~ Minimize the need for publicly funded and hazardous rescue efforts to save those who are isolated by floodwaters;
- ~~B-C.~~ Minimize expenditure of public money ~~and for~~ costly flood damage repair and flood control projects;
- ~~C.~~ To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- ~~D.~~ To minimize prolonged business interruptions;
- ~~D.~~ E. ~~To minimize~~ Minimize disruption of commerce, governmental services, and government infrastructure;
- ~~G-E.~~ Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in ~~areas of special flood hazard;~~ the floodplain.;
- F. Minimize cost impacts to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in the special flood hazard area.;
- ~~D-G.~~ F. ~~To help maintain~~ Maintain a stable tax base by providing for the sound use ~~and development of~~ and development of flood hazard ~~areas of special flood hazard so as to minimize future flood b~~ light areas caused by flooding;
- ~~G.~~ To ensure that potential buyers are notified that property is in an area of special flood hazard;
- ~~H.~~ To ensure that Encourage those who occupy flood hazard ~~the areas of special flood hazard~~ assume responsibility for their actions;
- ~~H.~~ I. ~~To qualify be~~ educated about the ~~city~~ risks and challenges associated with these areas.;
- ~~E-I.~~ Qualify the City of Auburn for participation in the National Flood Insurance Program, thereby giving citizens and businesses the opportunity to purchase flood insurance;

~~F.J. J. To maintain~~Maintain the quality of water in rivers, streams, and lakes, and their floodplains so as to protect public water supplies, areas of the ~~public trust~~Public Trust, and wildlife habitat protected by the Endangered Species Act;

~~G.K. K. To retain~~Retain the natural channel, shoreline, and floodplain creation processes and other natural floodplain functions that protect, create, and maintain habitat for threatened and endangered species; and

~~H.L. L. To prevent~~Prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels.

15.68.030 Lands to which this Ordinance Applies.

This ordinance shall apply to the Special Flood Hazard Area (SFHA) and associated protected areas within the jurisdiction of the City of Auburn as defined in Section 3 of this Ordinance.

15.68.040 ~~Methods of reducing flood losses~~ Approach.

In order to ~~accomplish its~~achieve the listed purposes, this ~~chapter includes methods and provisions for~~ordinance:

~~A. A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;~~

~~A. Defines and clarifies the terms and phrases used in this ordinance in Section 2.~~

~~B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;~~

~~C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel floodwaters;~~

~~D. Controlling filling, grading, dredging, and other development which may increase flood damage;~~

~~E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards~~identifies in other areas;

~~B. F. Identifying the regulatory floodplain, the special flood hazard area, and~~Section 3 the protected areaSpecial Flood Hazard Area, the Protected Area and the supporting technical data needed to delineate those areas;

~~C. G. Establishing~~Establishes a permit requirement in Section 4 so that all ~~human~~proposed development that may affect flood hazards, water quality, and habitat is reviewed ~~before it is constructed;~~prior to construction.

~~D. H. Setting~~Sets minimum protection standards in Section 5 for all development to ensure that the development will not increase the potential for flood damage or adversely affect natural floodplain functions;

~~E. I. Setting~~Sets minimum protection standards to protect new and substantially improved structures from flood damage;and in Section 6.

~~F. J. Specifying~~Specifies additional habitat protection criteriain Section 7. Some small projects do not need a floodplain development permit (see ACC 15.68.130(B) and (C)); ~~whereas other projects require a floodplain permit, but do not require the habitat impact assessment required in this chapter (see ACC 15.68.130(D));~~ 15.68.380). For all other development projects, the applicant must assess their impact on those

factors that contribute to increased flood hazard and degradation of habitat. If the assessment concludes that ~~there~~the project will ~~because~~ an adverse effect outside the Protected Area, the permit will be denied, unless the project ~~is redesigned to mitigate the adverse effects~~impacts are mitigated (avoided, minimized, restored or compensated for).

Article II. Definitions

15.68.050 Penalties for Noncompliance.

No development shall be undertaken or placed in the areas regulated by this ordinance without full compliance with the terms of this ordinance and other applicable regulations of the City. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be enforced pursuant to the provisions of Chapter 1.25 ACC.

15.68.060 Interpretation of language.

In the interpretation and application of this ordinance, all provisions shall be:

A. Considered as minimum requirements;

B. _____ Liberally construed in favor of the City; and.

~~B.C. _____~~ Deemed neither to limit nor repeal any other powers granted under state statutes;

15.68.070 Abrogation and greater restrictions Regulation Conflicts

~~This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction~~
Where this ordinance and another code, or ordinance, conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.68.080 Warning and Disclaimer of Liability.

The degree of property and habitat protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods and movement of channels outside of mapped channel migration areas may occur on rare occasions. Flood heights may be increased by ~~manmade~~unnatural or natural causes. This ordinance does not imply that land outside the regulated areas or development permitted within such areas will be free from flood or erosion damage. This ordinance shall not create liability on the part of the City, any officer or employee thereof, for any damage to property or habitat that results from reliance on this ordinance or any administrative decision lawfully made ~~thereunder.~~

15.68.090 Severability

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 2. Definitions

15.68.100 Definitions.

Unless specifically defined ~~in this article, words below, terms~~ or phrases used in this ~~chapter ordinance~~ shall be interpreted so as to give them the meaning they have in common usage and to give this ~~chapter ordinance~~ its most reasonable application.

~~A. 15.68.060 Definitions.~~

~~B. As used in this chapter:~~

~~C. 1. "Adversely affect/adverse effect" means effects that are a direct or indirect result of the proposed action or its interrelated or interdependent actions and the effect is not discountable, insignificant, or beneficial, where:~~

~~D. 1. a. Discountable effects are extremely unlikely to occur; and~~

~~E. b. Insignificant effects relate to the size of the impact and should never reach the scale where a take occurs. Based on best judgment, a person would not: 1) be able to meaningfully measure, detect, or evaluate insignificant effects, or 2) expect discountable effects to occur.~~

~~F. 2. Beneficial effects are contemporaneous positive effects without any adverse effects. In the event that the overall effect of the proposed action is beneficial, but is also likely to cause some adverse effects, then the proposed action is considered to result in an adverse effect.~~

~~B. "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.~~

~~C. "Appurtenant Structure" means a structure which is on the same parcel as the principle structure to be insured and the use of which is incidental to the use of the principal structure.~~

~~D. "Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.~~

~~E. "Area of special flood hazard" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".~~

~~F. "ASCE 24" means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.~~

~~G. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also (also referred to as the "100-year flood"). The area subject to the base flood is the special flood hazard area (SFHA), designated on flood insurance rate maps as Zone A, including AE, AO, AH, and A1-99.~~

~~H. C. "Base flood elevation" means the elevation of the base flood above the datum of the effective FIRM.~~

~~I.H. 1. The base flood elevation for the SFHAs of the city shall be as delineated on the 100-year flood profiles in the flood insurance study to which floodwater is anticipated to rise during the base flood for the city.~~

~~J. 2. The base flood elevation for each SFHA delineated as a Zone AH or Zone AO shall be that elevation (or depth) delineated on the flood insurance rate map. Where base flood depths are not available in Zone AO, the base flood elevation shall be considered to be two feet above the highest grade adjacent to the structure.~~

~~K. 3. Where base flood elevation data are not provided on the flood insurance study for the city, base flood elevation data available from a federal, state, or other authoritative source shall be used, if available. Where base flood elevation data are not available from other authoritative sources, applicants for approval of new subdivisions and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include such data with their permit applications. This data must be approved by the floodplain administrator.~~

~~L.I. D.~~ “Basement” means any area of the structure having its floor subgrade (below ground level) on all sides.

~~J. E.~~ “Building Code” means the currently effective versions of the International Building Code and the International Residential Code adopted by the Washington State Legislature and any further amendments adopted by the City of Auburn.

~~M.K.~~ “Channel ~~migration area~~” “Migration Zone” (CMZ) means the area within the lateral extent of likely stream channel movement due to stream bank destabilization and erosion, rapid stream incision, aggradation, avulsions, and shifts in location of stream channels ~~plus 50 feet.~~

1. ~~4.~~ The channel migration area shall be the total area occupied by the river channel, the severe channel migration hazard area, and the moderate channel migration hazard area as delineated in the Green River Channel Migration Study published by King County dated December 1993 plus 50 feet.

~~2. Where more than one channel migration zone has been delineated, the floodplain administrator shall use the delineation that has been adopted for other local regulatory purposes.~~

~~2. F.~~ The channel migration area shall be the total area occupied by the river channel, the severe channel migration hazard area, and the moderate channel migration hazard area as delineated in the Channel Migration Zone Delineation for the Middle Green River, RM 31.10 to 33.25 dated December 28, 2018 plus 50-feet which supersedes the study referenced above.

3. A site specific channel migration delineation may also be performed per the Washington State Department of Ecology’s current requirements with recommended setbacks (A Framework for Delineating Channel Migration Zones) prepared by a qualified engineer. The delineation shall be prepared by a qualified consultant as that term is defined in these regulations. The city may retain a qualified consultant paid for by the applicant to review and confirm the applicant’s reports, studies and plans if the following circumstances exist:

a. The city has technical information that is unavailable to the applicant; or

b. The applicant has provided inaccurate or incomplete information on previous proposals or proposals currently under consideration.

~~N.L.~~ N.L. “Critical facility” means a facility necessary to protect the public health, safety and welfare during a flood. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use).

~~O.M.~~ G. “Development” means any ~~manmade~~human-made change to improved or unimproved real estate ~~in the regulatory floodplain~~, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard, ~~subdivision of land, removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics.~~

~~P.N.~~ H. “Dry floodproofing” means any combination of structural and nonstructural measures that prevent flood waters from entering a structure.

~~Q.O.~~ I. “Elevation ~~certificate~~Certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F). ~~the official form (FEMA Form 81-31) used to provide elevation information necessary to ensure compliance with provisions of this chapter and determine the proper flood insurance premium rate.~~

~~R.~~ J. “Equivalent elevation” means ~~having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles.~~

~~P.~~ K. “Essential Facility” has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

~~S.Q.~~ F. “FEMA” means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

~~T.~~ L. “Fish and wildlife habitat conservation area” means ~~lands needed to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. These areas are designated by the city pursuant to the Washington State Growth Management Act (WAC 365-190-080).~~

~~U.R.~~ M. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. ~~—~~ — The overflow of inland or tidal waters; and/or
2. ~~—~~ — The unusual and rapid accumulation of runoff of surface waters from any source.
3. ~~N. 3.~~ N. 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph ~~(a)~~ (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
4. — The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or

by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(i) of this definition.

S. "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of ~~mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).~~

~~V.T.~~ "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance AdministrationEmergency Management Agency has delineated both the areas of special flood hazardSpecial Flood Hazard Areas and the risk premium zones applicable to the community.

~~W.U.~~ O. "Flood insurance study" (FIS)" means the official report(s) provided by the Federal Insurance AdministrationEmergency Management Agency that includes flood profiles, the flood insurance rate map, and the water surface elevation of the base flood.

V. ~~P.~~ "Floodplain or flood prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

W. "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

X. "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

~~X.Y.~~ "Flood protection elevation (FPE)" means the elevation above the datum of the effective FIRM to which new and substantially improved structures must be protected from flood damage.

~~Y.Z.~~ Q. "Floodway" means the channel of a riverstream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to the "Regulatory Floodway one foot. The floodway shall be as delineated on the flood insurance rate map. Where floodway data are not provided on the flood insurance study for the city, floodway data available from a federal, state, or other authoritative source shall be used, if available. Where floodway data is not available from another authoritative source, applicants for approval of new subdivisions and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include such data with their permit applications. This data must be approved by the floodplain administrator. This provision does not apply to applications for permits for small projects on large lots, such as constructing a single family home.

AA. R. "Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

BB. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

~~Z.CC.~~ "Historic structure" means any structure that is:

1. ~~—Is listed on~~ Listed individually in the National Register of Historic Places, ~~the Washington Heritage Register, or the Washington Heritage Barn Register, or has been designated a landmark or been issued (a certificate of appropriateness under the city's historic preservation ordinance listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as~~ meeting the requirements for individual listing on the National Register;
2. ~~—Has been certified to contribute~~ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. ~~S.~~ —Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

~~AA-DD.~~ “Hyporheic zone” means a saturated layer of rock or sediment beneath and/or adjacent to a stream channel that contains some proportion of channel water or that has been altered by channel water infiltration.

~~BB-EE. T.~~ “Impervious surface” means a ~~hard~~ non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

~~CC-FF. U.~~ “Lowest floor” means the lowest ~~floor of the lowest~~ enclosed area (including basement) ~~measured at the walking surface of the floor.~~ An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area is not considered a building's lowest floor as long as provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found in ACC 15.68.170(A)(7): (i.e. provided there are adequate flood ventilation openings).

~~DD-GG. V.~~ “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when ~~connected~~ attached to the required utilities. ~~For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar recreational vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the~~ The term “manufactured home” does not include ~~park trailers, travel trailers, and other similar a~~ “recreational vehicles. vehicle.”

~~EE-HH. W.~~ “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~II.~~ ~~X.~~ “Market value” shall mean the current assessed value as established by the most recent tax roll of the county assessor in which the property is located. An applicant may, at applicant’s expense, provide an appraisal to determine market value.

~~FF-JJ.~~ “Mean Sea Level” means for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

~~GG-KK.~~ ~~Y.~~ “Native vegetation” means plant species that are indigenous to the community’s area and that reasonably could be expected to naturally occur on the site.

~~HH-LL.~~ ~~Z.~~ “Natural floodplain functions” means the contribution that a floodplain makes to support habitat, including, but not limited to, providing flood storage and conveyance, reducing flood velocities, reducing sedimentation, filtering nutrients and impurities from runoff, processing organic wastes, moderating temperature fluctuations, and providing breeding and feeding grounds, shelter, and refugia, for aquatic or riparian species.

~~II-MM.~~ ~~AA.~~ “New construction” means for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance adopted by a community and includes any subsequent improvements to such structures~~codified in this chapter.~~

~~NN.~~ ~~BB.~~ “Principal Structure” means a structure in which the principal use of the lot on which it is located is conducted.

~~JJ-OO.~~ “Protected area” means the lands that lie within the boundaries of the floodway, the riparian habitat~~buffer~~ zone, and the channel migration area. ~~In riverine areas, where a floodway has not been designated in accordance with this chapter, the protected area is comprised of those lands that lie within the boundaries~~Because of the riparian habitat zone, the channel migration area, and the SFHA impact that development can have on flood heights and velocities and habitat, special rules apply in the Protected Area.

~~PP.~~ ~~CC.~~ “Reasonably Safe from Flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

~~KK-QQ.~~ “Recreational vehicle” means a vehicle:

1. ~~—~~ Built on a single chassis; and,
2. ~~—~~ Four hundred square feet or less when measured at the largest horizontal projection; and,
3. ~~—~~ Designed to be self-propelled or permanently towable by ~~a~~ an automobile or light-duty truck; and,
4. ~~—~~ Designed primarily not for use as a permanent dwelling but as temporary living quarters for ~~recreation~~ recreational, camping, travel, or seasonal use.

~~LL. DD. “Regulatory floodplain” means the area of the special flood hazard area and all protected areas within the city of Auburn. It also includes newly designated special flood hazard areas and protected areas that are delineated pursuant to city law.~~

~~MM.RR. EE.~~ “Riparian” means of, adjacent to, or living on, the bank of a stream, lake, pond, sound, or other water body.

~~SS. FF.~~ “~~Riparian habitat zone~~“Riparian buffer zone” means the land located adjacent to streams, and other bodies of water, where the natural soil, hydrology, and native flora and fauna perform important ecological functions such as protecting the water body by filtering out pollutants, preventing erosion and sedimentation, stabilizing stream banks, and providing natural shade. They are often thin lines-of-green containing native grasses, flowers, shrubs and trees that line the banks of streams and other bodies of water. The riparian buffer zone for the Puget Sound Biological Opinion applies only to areas mapped within the Special Flood Hazard Area, unless the area is undeveloped with predominately native vegetation that have benefits to endangered species, in which case the regulations for riparian habitat zones shall apply.

~~NN.TT.~~ “Riparian Habitat Zone” means the water body and adjacent land areas that are likely to support aquatic and riparian habitat ~~as detailed in this chapter. The size and location of the riparian habitat zone is dependent on the type of water body. The riparian habitat zone includes the water body and adjacent lands, measured perpendicularly from ordinary high water on both sides of the water body:.~~

~~OO.~~ 1. Marine and lake shorelines and Type S streams that are designated “shorelines of the state”: 250 feet.

~~PP.~~ 2. Type F (fish bearing) streams greater than five feet wide and marine shorelines: 200 feet.

~~QQ.~~ 3. Type F streams less than five feet wide and lakes: 150 feet.

~~RR.~~ 4. Type N (nonsalmonid bearing) perennial and seasonal streams with unstable slopes: 225 feet.

~~SS.~~ 5. All other Type N (nonsalmonid bearing) perennial and seasonal streams: 150 feet.

~~TT.~~ In addition, the riparian habitat zone may include additional land areas that the floodplain administrator determines are likely to support aquatic and riparian habitat.

~~UU. GG.~~ “Special flood hazard area (SFHA)” means the land subject to inundation by the base flood. Special flood hazard areas are ~~identified by the Federal Emergency Management Agency in the scientific and engineering reports entitled “Flood Insurance Study for King County, Washington and Incorporated Areas,” dated April 19, 2005, and any revisions thereto, and “Flood Insurance Study for Pierce County, Washington and Unincorporated Areas,” dated August 19, 1987, and any revisions thereto, and designated on associated flood insurance rate maps with the letter A, including AE, AO, AH, A1—99, designated on Flood Insurance Rate Maps with the letters “A” or “V” include AE (floodway), AO, AH, A1-99 and VE. The Special Flood Hazard Area is also referred to as the area of special flood hazard or SFHA.~~

~~VV. HH.~~ “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before was within 180 days of the permit’s expiration date of the permit. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.—Permanent construction does

not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

WW. ~~II.~~ “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

XX. ~~JJ.~~ “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

YY. ~~KK.~~ “Substantial improvement” ~~or “substantially improved”~~ means any ~~repair,~~ reconstruction, rehabilitation, addition, replacement or improvement of a structure, the cost of which equals or exceeds 50 percent of the ~~market value of such structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work done~~ market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed.

The term does not, however, include either:

- ~~1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or~~
- ~~2. Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”. listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

ZZ. ~~LL.~~ “Variance” means a grant of relief from the requirements of this ~~chapter ordinance~~ which permits construction in a manner that would otherwise be prohibited by this ~~chapter ordinance~~.

~~AAA. MM.~~ “Violation” means the failure of a structure or other development to be constructed or implemented in conformance with the community’s applicable floodplain development regulations.

~~AAA.BBB.~~ “Water typing” means a system for classifying water bodies according to their size and fish habitat characteristics. The Washington Department of Natural Resources Forest Practices Water Typing Classification System is hereby adopted by reference. The system defines four water types:

- ~~1. Type “S” – Shoreline: Streams that are designated “shorelines of the state,” including marine shorelines.~~
- ~~2. Type “F” – Fish: Streams that are known to be used by fish or meet the physical criteria to be potentially used by fish.~~
- ~~3. Type “NP” – Non-fish perennial streams.~~
- ~~4. Type “NS” – Non-fish seasonal streams.~~

~~BBB.CCC. NN.~~ “Zone” means one or more areas delineated on the FIRM. The following zones may be used on the adopted FIRM. The special flood hazard area is comprised of the A ~~Zone and V Zones.~~

1. ~~—A~~: SFHA where no base flood elevation is provided.
2. ~~—A#~~: Numbered A zones (e.g., A7 or A14), SFHA with a base flood elevation.
3. ~~—AE~~: SFHA with a base flood elevation.
4. ~~—AO~~: SFHA subject to inundation by shallow flooding usually resulting from sheet flow on sloping terrain, with average depths between one and three feet. Average flood depths are shown.
5. ~~—AH~~: SFHA subject to inundation by shallow flooding (usually areas of ponding) with average depths between one and three feet. Base flood elevations are shown.
6. ~~—B~~: The area between the SFHA and the 500-year flood of the primary source of flooding. It may also be an area with a local, shallow flooding problem or an area protected by a levee.
7. ~~—C~~: An area of minimal flood hazard, as above the 500-year flood level of the primary source of flooding. B and C zones may have flooding that does not meet the criteria to be mapped as a special flood hazard area, especially ponding and local drainage problems.
8. ~~—D~~: Area of undetermined but possible flood hazard.
9. ~~—X~~: The area outside the mapped SFHA.
10. ~~—Shaded X~~: The same as a Zone B, ~~in subsection (NN)(6) of this section above.~~

~~Article III. General Provisions~~

Section 3. Regulatory Data

15.68.070 — ~~Land~~ 110 Area to which this chapter applies be Regulated.

~~This chapter shall apply to the regulatory floodplain. The area to be regulated is comprised of the Special Flood Hazard Area and all Protected Areas within the Special Flood Hazard Area within the jurisdiction of the city. (See the city City of Auburn regulatory floodplain map on file in the office of the city clerk.) The term also includes areas delineated pursuant to the provisions of Chapter 1.25 ACC. Section 15.68.150.~~

15.68.120 Special Flood Hazard Area.

Basis for Establishing the Areas of Special Flood Hazard

A. ~~The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for King County Washington and Incorporated Areas" dated August 19, 2020, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated August 19, 2020, and any revisions thereto, as well as the special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Pierce County Washington and Incorporated Areas" dated March 7, 2017, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated March 7, 2017, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at 1 East Main St, Auburn, WA 98001.~~

A-B. The best available information for flood hazard area identification as outlined in Section 15.68.130(D) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 15.68.130(D).

B. ~~15.68.110~~ Interpretation.

C. ~~In~~ Upon receipt of a floodplain development permit application, the floodplain administrator or designee shall compare the elevation of the site to the base flood elevation.

~~C-D.~~ The floodplain administrator or designee shall inform the applicant that the project may still be subject to the flood insurance purchase requirements unless the owner receives a Letter of Map Amendment (LOMA) from FEMA.

E. The floodplain administrator or designee shall make interpretations where needed, as to the exact locations of the boundaries of the SFHA and the Protected Area (e.g. where there appears to be a conflict between the mapped SFHA boundary and actual field conditions as determined by the base flood elevation and ground elevations) as it applies to proposed development. The applicant may appeal the floodplain administrator's or designee's interpretation and application of this chapter of the location of the boundary to the Hearing Examiner for the City of Auburn.

15.68.130 Flood Hazard Data.

A. The base flood elevation for the SFHAs incorporated in 15.68.120(A) shall be utilized.

B. The Flood Protection Elevation (FPE) shall be the base flood elevation plus one (1) foot.

C. The floodway shall be as delineated on the Flood Insurance Rate Map.

D. Where base flood elevation and floodway data have not been provided in Special Flood Hazard Areas, the floodplain administrator or designee shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source.

15.68.140 Protected Area.

A. The Protected Area is comprised of those lands that lie within the boundaries of the floodway, the riparian ~~habitat~~ buffer zone, and the channel migration area.

B. In riverine areas, where a floodway has been designated in accordance with Sections 15.68.130-(C), 15.68.130-(D) or 15.68.150-(E), the Protected Area is comprised of those lands that lie within the boundaries of the riparian ~~habitat~~ buffer zone, the channel migration area, and the SFHA.

C. Riparian Buffer Zone: The riparian buffer zone includes those watercourses within the SFHA and adjacent land areas that are likely to support aquatic and riparian habitat.

1. The size and location of the riparian buffer zone is dependent on the type of water body. The riparian buffer zone includes the water body and adjacent lands, measured perpendicularly from ordinary high water mark on both sides of the water body:

a. Type S streams that are designated "shorelines of the State:"— 250 feet

b. Type F streams (fish bearing) streams greater than 5 feet wide and marine shorelines:— 200 feet

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- c. Type F streams less than 5 feet wide and lakes:– 150 feet
 - d. Type N (nonsalmonid-bearing) perennial and seasonal streams with unstable slopes: 225 feet
 - e. All other Type N (nonsalmonid-bearing) perennial and seasonal streams: -150 feet.
 - 2. The riparian buffer zone shall be delineated on the site plan by the applicant at the time of application for subdivision approval or floodplain development permit for **all** development proposals within 300 feet of any stream or shoreline.
- D. Channel Migration Area:
- a. The channel migration area shall be the channel migration zone as defined in Section 15.68.100(K).
 - b. Where more than one channel migration zone has been delineated, the floodplain administrator or designee shall use the delineation that has been adopted for other local regulatory purposes.
 - a-c. Where a channel migration zone has not yet been mapped, the provisions ~~shall be of~~ Section 15.68.150-(D) shall apply at the time of permit application.

15.68.150 New Regulatory Data.

- A. All requests to revise or change the flood hazard data, including requests for a Letter of Map Revision and a Conditional Letter of Map Revision shall be reviewed by the floodplain administrator or designee.
- 1. The floodplain administrator or designee shall not sign the Community Acknowledgment Form for any requests based on filling or other development, unless the applicant for the letter documents that such filling or development is in compliance with this ordinance.
 - 2. The floodplain administrator or designee shall not approve a request to revise or change a floodway delineation until FEMA has issued a Conditional Letter of Map Revision that approves the change.
- B. If an applicant disagrees with the regulatory data prescribed by this ordinance, he/she may submit a detailed technical study needed to replace existing data with better data in accordance with FEMA mapping guidelines or *Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management under the National Flood Insurance Program and Endangered Species Act* FEMA Region X, 2010. If the data in question are shown on the published FIRM, the submittal must also include a request to FEMA for a Conditional Letter of Map Revision.
- C. Where base flood elevation data are not available in accordance with Section 15.68.130, applicants for approval of new subdivisions and other proposed developments (including proposals for manufactured home parks) greater than 50 lots or 5 acres, whichever is the lesser, shall include such data with their permit applications.
- D. Where channel migration zone data are not available in accordance with 15.68.140(D), the permit applicant shall either:
- 1. Designate the entire SFHA as the channel migration zone or

2. Identify the channel migration area in accordance with *Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management under the National Flood Insurance Program and Endangered Species Act* FEMA Region X, 2012.

E. All new hydrologic and hydraulic flood studies conducted pursuant to Section 15.68.150 shall be in accordance with *Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management under the National Flood Insurance Program and the Endangered Species Act*, FEMA, Region X, 2010.

F. The floodplain administrator shall use the most restrictive data available prepared specifically for the project site for the channel migration zone, floodways, future conditions, and riparian buffer zone.

Section 4. Administration

15.68.160 Establishment of Floodplain Development Permit

A floodplain development permit shall be obtained before construction or development begins within the Special Flood Hazard Area (SFHA) or Protected Area. The permit shall be for all development as set forth in

15.68.170 Floodplain Development Permit Application.

Applications for a floodplain development permit shall be made using the criteria outlined in the Floodplain Development Application Packet available for download at www.auburnwa.gov/forms. At a minimum, the following information is required.

A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.

B. Elevation in relation to mean sea level to which any structure has been flood proofed;

C. Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5;

D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;

E. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and

F. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

15.68.180 Floodplain Development Permit Expiration.

If there has been no start of construction, a floodplain development permit shall expire 180 days after the date of issuance. Where the applicant documents a need for an extension beyond this period due to conditions beyond the applicant's control, the floodplain administrator ~~A.~~ or designee may authorize one or more extensions.

15.68.190 Designation of the Floodplain Administrator.

The Director of Community Development is hereby appointed to administer, interpret, and implement this ordinance by granting or denying floodplain development permit applications in accordance with its provision. The Director of Community Development may designate administration of portions or all of this ordinance to a qualified person.

15.68.200 Duties of the Floodplain Administrator.

Duties of the floodplain administrator or designee shall include, but are not limited to:

- A. Review all floodplain development permits to determine that the permit requirements of this ordinance have been satisfied.
- B. Review all floodplain development permits to determine that all necessary permits have been obtained from those Federal, State or local government agencies from which prior approval is required, including those local, State or Federal permits that may be required to assure compliance with the Endangered Species Act and/or other appropriate State or Federal laws.
- C. Review all floodplain development permits to determine if the proposed development is located in the Protected Area. If located in the Protected Area, ensure that the provisions of Section 7 are met.
- D. Ensure that all development activities within the Special Flood Hazard Area of the jurisdiction of the City meet the requirements of the ordinance.
- E. Inspect all development projects before, during and after construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
- F. Maintain for public inspection all records pertaining to the provisions of this ordinance.
- G. Submit reports to include the projects for which they issue floodplain development permits, including effects to flood storage, fish habitat, and all indirect effects of development and mitigation provided to FEMA as required by the National Flood Insurance Program.
- H. Notify FEMA of any proposed amendments to this ordinance and when annexations occur in the Special Flood Hazard Area.
- I. Ensure the proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 15.68.410 are met
- J. Cooperate with State and Federal agencies to improve flood and other technical data and notify FEMA of any new data that would revise the FIRM.
- K. Review all floodplain development permits to verify that proposed development will be reasonably safe from flooding.

15.68.210 Notification to Other Entities

Whenever a watercourse is to be altered or relocated:

- A. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and
- B. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

15.68.220 Records.

- A. Where base flood elevation data have been obtained pursuant to Section 15.68.130 and 15.68.150, the floodplain administrator or designee shall obtain, record, and maintain the actual "finished construction" elevations provided by the applicant for the locations listed in Section 15.68.170. This information shall be recorded on a current FEMA Elevation Certificate signed and sealed by a professional land surveyor, currently licensed in the State of Washington.
- B. For all new or substantially improved dry floodproofed nonresidential structures, where base flood elevation data has been obtained pursuant to Section 15.68.130 and 15.68.150, the floodplain administrator or designee shall obtain, record and maintain the elevation (in relation to the datum of the effective FIRM) to which the structure was floodproofed. This information shall be recorded on a current FEMA Floodproofing Certificate by a professional engineer currently licensed in the State of Washington.
- C. Certification required by Section 15.68.410 (floodway encroachments).
- D. Records of all variance actions, including justification for their issuance.
- E. Improvement and damage calculations.
- F. Maintain for public inspection all records pertaining to the provisions of this ordinance.

15.68.230 Certificate of Occupancy.

- A. A final grading and/or storm permit for the property, physical completion for City of Auburn Capital Improvement projects without a building, a certificate of occupancy (commercial building) or final building inspection (residential structure) for a new or substantially improved structure or an addition shall not be issued until:
1. The permit applicant provides a properly completed, signed and sealed Elevation or Floodproofing Certificate showing finished construction data as required by Section 15.68.220;
 2. If a mitigation plan is required by Sections 15.68.440 and 15.68.450, all work identified in the plan has been completed according to the plan's schedule;
 3. The applicant provides copies of all required Federal, State, and local permits noted in the permit application per Section 15.68.170;
 4. All other provisions of this ordinance and conditions placed on the floodplain development permit approval letter have been met.

15.68.240 ~~B. —Liberal construed in favor of the governing body;~~

~~C. —D. — Maps referred to in this chapter are for reference only, unless specified. If the map does not specifically indicate that it is the primary source of regulation, the text of the applicable code section shall control over any contrary information provided on a map. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2 (3.5), 1989.)~~

~~15.68.120 ——— Warning and disclaimer of liability.~~

~~The degree of property and habitat protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods and movement of channels outside of mapped channel migration areas can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter does not imply that land outside the regulated areas or development permitted within such areas will be free from flood or erosion damage. This chapter shall not create liability on the part of the city, any officer or employee thereof, for any damage to property or habitat that results from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(3.6), 1989.)~~

~~15.68.125 ——— Appeals.~~

- A. ~~The Hearing Examiner, as established by Chapter 2.46 of the Auburn City Code,~~ shall hear and decide appeals and requests for variances from the requirements of this ~~chapter ordinance.~~
- B. The Hearing Examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator or designee in the enforcement or administration of this ~~chapter ordinance.~~
- C. Those aggrieved by the decision of the Hearing Examiner may appeal ~~such the~~ decision to the superior court: of the county in which the project is located pursuant to Section 2.46.160 of the Auburn City Code.
- D. Upon consideration of the factors of ~~this chapter~~Section 15.68.250 and the purposes of this ~~chapter ordinance~~, the ~~hearing examiner~~Hearing Examiner may attach such conditions to the granting of the variances ~~as~~ if the/she deems necessary to further the purposes of this ~~chapter ordinance.~~

~~Article IV. Administration~~

- E. ~~The floodplain administrator or designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.~~

~~15.68.130 ——— Establishment of and requirement to obtain floodplain~~**250 Variance Criteria.**

- A. In addition to the Criteria outlined in ACC 18.70.025, in reviewing applications for a variance, the Hearing Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and:

- 1. The relationship of the proposed use to the comprehensive plan, growth management regulations, critical area regulations, the shoreline management program and floodplain management program for the area;
- 4.2. The potential of the proposed development permit-project to destroy or adversely affect a fish and wildlife habitat conservation area or create an adverse effect to federal, state or locally protected species or habitat;

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3. A. A floodplain development permit is the minimum necessary to grant relief; and,
- B. In addition to the Criteria outlined in ACC 18.70.025, no variance shall be obtained before granted to the requirements of this ordinance unless the applicant demonstrates that:
1. The project will not adversely affect features or quality of habitat supporting local, state or federally protected fish or wildlife;
- C. Variances may be requested for new construction or development begins, substantial improvements, and other development for the conduct of functionally dependent uses provided:
1. There is good and sufficient cause for providing relief;
 2. The variance is the minimum necessary to provide relief;
 - 4.3. The variance does not cause a rise in the 100-year flood level within the regulatory floodplain. The permit shall be for all development as defined in this chapter floodplain;
 4. The project will not adversely affect federal, state or locally protected fish, wildlife and their habitat or the functions associated with their habitat.
- D. Variances shall only be issued:
1. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 2. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 3. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 4. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2 of this ordinance in the definition of "Functionally Dependent Use."
- E. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- F. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4 and 5 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- G. In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

Section 5. General Development Standards

The provisions of Section 5 shall apply in the Special Flood Hazard Area:

15.68.260 Subdivisions.

This section applies to all subdivision proposals, including short subdivisions, preliminary subdivisions, binding site plans, and expansions to manufactured home parks as defined in Chapter 17.04 ACC.

- A. All proposals shall be consistent with the need to minimize flood damage.
- B. The proposed subdivision must have one or more new lots in the Special Flood Hazard Area set aside for open space use through deed restriction, easement, subdivision covenant, or donation to a public agency.
 1. In the Special Flood Hazard Area outside the Protected Area, zoning must maintain a low density of floodplain development.
 2. In the Special Flood Hazard Area outside the protected area in which the current zoning is less than 5 acres must maintain current zoning.
 3. The density of development in the portion of the development outside the Special Flood Hazard Area may be increased to compensate for the amount of land in the Special Flood Hazard Area preserved as open space in accordance with Chapter 17.25 ACC.
- C. If a parcel has a buildable site outside the Special Flood Hazard Area, it shall not be subdivided to create a new lot that does not have a buildable site outside of the Special Flood Hazard Area. This provision does not apply to tracts that are to be preserved as open space.
- D. All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to prevent flood damage.
- E. All proposals shall ensure that all subdivisions have at least one access road connected to land outside the Special Flood Hazard Area with the surface of the road at or above the FPE wherever possible. Additional access roads may be required based on the number of proposed lots per the current City of Auburn Engineering Design Standards.
- F. All proposals shall have adequate drainage provided to avoid exposure to water damage.

G. The final recorded plat shall include a notice that part of the property is in the SFHA, riparian buffer zone and/or channel migration area, as appropriate.

15.68.270 Site Design.

A. Structures and other development shall be located to avoid flood damage or that adequately mitigates any identified impacts.

1. If a lot has a buildable site out of the Special Flood Hazard Area, all new structures shall be located in that area, when possible.

2. If a lot does not have a buildable site out of the Special Flood Hazard Area, all new structures, pavement, and other development must be sited in the location that has the least impact on habitat by locating the development as far from the water body as possible or by placing the structure on the highest portion of the lot.

3. A minimum setback of 15 feet from the Protected Area shall be required for all structures.

4. If the proposed project does not meet the criteria of Section 15.68.270(-A) through (B), a habitat impact assessment shall be conducted pursuant to Section 15.68.440 and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to Section 15.68.450.

B. All new development shall be designed and located to minimize the impact on flood flows, flood storage, water quality and habitat.

1. Stormwater and drainage features shall incorporate low impact development techniques, if technically feasible, that mimic pre-development hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected hard surface areas, permeable pavement, vegetative roof systems, etc. per the City's current SWMM per Chapter 12.04 ACC.

2. If the proposed project will create new hard surfaces so that more than 10 percent of the portion of the lot in the Special Flood Hazard Area is covered by hard surface, the applicant shall demonstrate that there will be no net increase in the rate and volume of the stormwater surface runoff per the maximum extent feasible and as required per the City's current SWMM per ACC 13.48 that leaves the site or that the adverse impact is mitigated, as provided in Sections 15.68.440 and 15.68.450.

C. The site plan required in Section 15.68.170– shall account for surface drainage to ensure that:

1. Existing and new buildings on the site will be protected from stormwater runoff; and

2. The project will not divert or increase surface water runoff onto neighboring properties.

15.68.280 Hazardous Materials.

A. No new development shall create a threat to public health, public safety or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other materials that are hazardous, toxic, or a threat to water quality are prohibited from the Special Flood Hazard Area. This prohibition does not apply to small quantities of these materials kept for normal household use. This prohibition does not apply to the continued operations of existing facilities and structure, reuse of existing facilities and structures, or functionally dependent facilities or structures.

B. If the proposed project cannot meet Section 15.68.280(A) of this ordinance, then a habitat impact assessment must be conducted in accordance with Sections 15.68.440 and 15.68.450.

15.68.290 Critical Facilities.

A. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area.

B. Construction of new critical facilities in the Special Flood Hazard Area shall be permissible if no feasible alternative site is available, provided:

1. Critical facilities shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. If there is no available data on the 500-year flood, the permit applicants shall develop the needed data in accordance with FEMA mapping guidelines.~~B. A development project is not subject~~

~~1. Access to and from the requirements of this chapter if it is located on land that can critical facility shall be shown to be:~~

~~2. 1. Outside the protected area; and~~

~~3. 2. Higher than the elevation of the 500-year floodplain.~~ 2. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Section 6. Standards for Protection of Structures

15.68.300 Applicability.

The protection requirements in this section apply to all new structures and substantial improvements, which include:

A. Construction or placement of a new structure.

B. Reconstruction, rehabilitation, or other improvement that will result in a substantially improved building.

C. Repairs to an existing building that has been substantially damaged.

D. Placing a manufactured home on a site.

E. Placing an occupied recreational vehicle or travel trailer on a site for more than 180 days.

15.68.310 Flood Protection Standards.

A. All new structures and substantial improvements shall have the lowest floor, including basement, elevated above the FPE.

B. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

C. The structure shall be aligned parallel with the direction of flood flows where practicable.

D. The structure shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

E. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

F. All materials below the FPE shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife, such as creosote, are prohibited below the FPE.

G. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage

H. Electrical, heating, ventilation, duct work, plumbing, and air-conditioning equipment and other service facilities shall be elevated above the FPE. Water, sewage, electrical, and other utility lines (excluding storm drainage facilities) below the FPE shall be constructed so as to minimize water from entering or accumulating within them during conditioning of flooding.

I. Fully enclosed areas below the lowest floor that are subject to flooding shall be used only for parking, limited storage, or building access and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or licensed architect in the State of Washington and/or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area not less than one square inch for every square foot of enclosed area ~~subject to the flood insurance purchase~~ flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings must be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

15.68.320 Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall— meet the requirements of subsection A or B below:

A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

1. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:
2. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater. If located in an AO zone, the structure shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in Section 15.68.220(B).

3. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

4. If buildings are constructed or substantially improved with fully enclosed areas below the lowest floor, that are subject to flooding, the areas shall be used only for parking, limited storage, or building access, and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

5. Alternatively, a registered engineer or architect may design and certify engineered openings.

B. If the requirements of Section 15.68.320(A) are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

1. Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.68.220(B);

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 15.68.320(A)(2);

15.68.330 Manufactured Homes.

All manufactured homes to be placed or substantially improved on sites shall be:

- A. Elevated on a permanent foundation in accordance with Section 15.68.310(A) and
- B. Securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.
- C. If 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.

15.68.340 Recreational Vehicles.

Recreational vehicles placed on sites shall:

- A. Be on the site for fewer than 180 consecutive days, or
- B. Be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached addition; or
- C. Meet the requirements of Section 15.68.340 and the anchoring requirements for manufactured homes in Section 15.68.330.

15.68.350 Appurtenant Structures.

A structure which is on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure and is not used for human habitation may be exempt from the elevation requirements of Section 15.68.310-(A), provided:

- A. It is used only for parking or storage;
- B. It is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
- C. It is anchored to prevent flotation which may result in damage to other structures;
- D. ~~C. Nondevelopment~~ All portions of the structure below the FPE must be constructed of flood-resistant materials;
- E. Service utilities such as electrical and heating equipment meet the standards of Section 15.68.310(F) and Section 15.68.360;
- F. It has openings to allow free flowage of water that meet the criteria in Section 15.68.310(I);
- G. The project meets all the other requirements of this ordinance, including Section 7.

15.68.360 Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- B. New water wells shall be located outside the floodway and shall be protected to the FPE;
- C. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the floodwaters;

D. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. A habitat impact assessment shall be conducted in accordance with Section 15.68.440 as a condition of approval of an onsite waste disposal system to be located in the Special Flood Hazard Area.

Section 7. Standards for Habitat Protection

The provisions of this Section shall apply in the Special Flood Hazard Area and channel migration zone.

15.68.370 Non-Development Activities.

Activities that do not meet the definition of “development” ~~in this chapter~~ are allowed in the ~~regulatory floodplain~~Special Flood Hazard Area and Protected Area without the need for a floodplain development permit under this ~~chapter ordinance~~, provided all other ~~federal, state, Federal, State~~ and local requirements are met. The following are examples of activities not considered development or ~~manmade~~“unnatural” changes to improved or unimproved real estate:”

- A. ~~1.~~ 4.—Routine maintenance of landscaping that does not involve grading, excavation, or filling;
- B. ~~2.~~ 2.—Removal of noxious weeds and hazard trees and replacement of ~~nonnative~~non-native vegetation with native vegetation;
- C. ~~3.~~ 3.—Normal maintenance of structures, such as re-roofing and replacing siding, ~~as long as provided~~ such work does not qualify as a substantial improvement;
- D. ~~4.~~ 4.—Normal maintenance of above ground ~~public~~ utilities and facilities, such as replacing downed power lines and utility poles;
- E. ~~5.~~ 5.—Underground and above ground utility work located in previously disturbed areas, with no significant vegetation impacts, and will have no appreciable change in grade;
- ~~E.F.~~ F. Normal street and road maintenance and preservation of public streets and private streets or parking lots (with approval of Floodplain Administrator), including, but not limited to filling potholes, patching, crack seal, chip seal, repaving, and installing signs and traffic signals, signs, traffic control devices, striping/channelization, pavement markings, repair/replacement of sidewalk/curb and gutter, ADA improvements, non-motorized improvements, repair of guardrails, repair of retaining walls, management of hazardous trees, fencing repair, lighting repair, but not including expansion of paved areas;
- G. ~~6.~~ 6.—Public street improvements with no significant vegetation impacts, and no appreciable change in grade;
- ~~F.H.~~ H. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility are allowed in the Special Flood Hazard Area without the need for a floodplain development permit. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or the toe or addition for protection on the face or toe with rock armor; and
- ~~G.I.~~ I. 7.—Plowing and other normal farm flood protection practices (other than structures or filling) on farms in the Special Flood Hazard Area and in existence as of the effective date of the this ordinance codified in this chapter do not require a floodplain development permit. Clearing additional land for agriculture after the date of this ordinance will require a floodplain development permit and a Habitat Assessment.

D-15.68.380 Activities Allowed with a Floodplain Development Permit.

The following activities are allowed in the ~~regulatory floodplain~~Special Flood Hazard Area without the analysis required in ~~ACC 15.68.160(C)~~Section 15.68.410 or the habitat impact assessment required under ~~ACC 15.68.135(J)~~, ~~providing Section 15.68.440, provided that~~ all other requirements of this ~~chapter~~ordinance are met, including obtaining a floodplain development permit:

- A. ~~4.—~~1.—Repairs or remodeling of an existing structure; ~~provided,~~ that the repairs or remodeling are not a substantial improvement or a repair of substantial damage; ~~provided further, that no habitat impact assessment shall be required if the repair or remodel does not expand the existing building envelope.~~
- B. ~~2.—~~2.—Expansion or reconstruction of an existing structure that is no greater than ~~40~~ten percent beyond its existing footprint; ~~provided,~~ that the repairs or remodeling are not a substantial improvement or ~~a~~ repair of substantial damage. ~~This measurement is counted cumulatively from the effective date of the ordinance codified in this chapter.~~ If the structure is in the floodway, there shall be no change in the structure's dimensions perpendicular to flow.
- C. ~~3.—~~3.—Activities with the sole purpose of creating, restoring or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet ~~federal~~Federal and ~~state~~State standards, provided the activities do not include structures, grading, fill, or ~~impervious~~hard surfaces.
- D. ~~4.—~~4.—Development of open space and recreational facilities, such as parks, trails, and hunting grounds, that do not include structures, ~~grading,~~ fill, ~~impervious~~hard surfaces or removal of more than five percent of the native vegetation on that portion of the property in the ~~regulatory floodplain~~Special Flood Hazard Area.
- E. ~~E.—~~E.—Repairs to onsite Septic Systems provided the ground disturbance is the minimum necessary and best management practices (BMP's) to prevent stormwater runoff and soil erosion are used.

15.68.390 Other Activities.

All other activities ~~not~~ listed in ~~subsection C~~Sections 15.68.370 or ~~D of this section are~~ 15.68.380 that are allowed, ~~as long as by Title 18 (Zoning) of the Auburn City Code are allowed, provided~~ they meet all the other requirements of this ~~chapter~~ordinance, including the analysis required in ~~ACC 15.68.160~~under Section 15.68.420, 15.68.430, and the habitat impact assessment ~~and any mitigation~~ required under ~~ACC 15.68.135(K) and (L)~~Section 15.68.440, and a floodplain development permit is issued.

15.68.400 Native Vegetation.

The site plan required in the Floodplain Development Application Packet- shall show existing native vegetation.

- A. Within the riparian buffer zone, native vegetation shall be left undisturbed, except as provided in Sections 15.68.370 and 15.68.380(C).
- B. Outside the riparian buffer zone, removal of native vegetation shall not exceed 35 percent of the surface area of the portion of the site in the Special Flood Hazard Area. Native vegetation in the riparian buffer zone portion of the property can be counted toward this requirement.

C. If the proposed project does not meet the criteria of Sections 15.68.400(A) and (B), a habitat impact assessment shall be conducted pursuant to Section 15.68.440 and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to Section 15.68.450.

15.68.410 Floodway Standards.

A. In addition to the other requirements of this ordinance, a project to develop in the floodway as delineated pursuant to Sections 15.68.130(C), 15.68.130(D) or 15.68.150(E) shall meet the following criteria:

1. The applicant shall provide a certification by a registered professional engineer licensed in the State of Washington demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed development would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for the following. The following exceptions must still meet all other requirements in the ordinance, including Section 15.68.410-(A)(-1).

a. Repairs, reconstruction, or improvements to a residential structure that do not increase the ground floor area, providing the cost of which does not exceed 50 percent of the market value of the structure either, (1) before the repair, or reconstruction is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by a local code enforcement official, and which are the minimum necessary to assure safe living conditions, or to an historic structure, may be excluded from the 50 percent calculation;

b. Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

i. The new farmhouse is a replacement for an existing farmhouse on the same farm site;

ii. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;

iii. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

iv. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;

v. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;

vi. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;

vii. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;

viii. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and

ix. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

c. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

d. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

i. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

ii. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.

iii. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

iv. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

v. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.

vi. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.

vii. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

e. Repairs, reconstruction, or improvements to residential structures identified as historic structures that do not increase the building's dimensions.

B. In riverine Special Flood Hazard Areas where a floodway has not been delineated pursuant to Sections 15.68.130(C), 15.68.130(D) or 15.68.150(E), the applicant for a project to develop in the SFHA shall provide a certification by a registered professional engineer in the State of Washington demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed development and all other past or future similar developments would not cumulatively result in an increase of flood levels during the occurrence of the base flood discharge by more than one-half foot.

15.68.420 Standards for Shallow Flooding Areas (AO Zones)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones.

A. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).

B. New construction and substantial improvements of nonresidential structures within AO zones shall either:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

2. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in Section 15.68.310(I).

C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

D. Recreational vehicles placed on sites within AO zones on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days, or

2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 15.68.330(B)).

15.68.430 Compensatory Storage.

New development shall not reduce the effective flood storage volume of the Special Flood Hazard Area. A development proposal shall provide compensatory storage if grading or other activity eliminates any effective flood storage volume. Compensatory storage shall:

~~15.68.135 — Floodplain development permit application.~~

~~Application for a floodplain development permit shall be made on forms furnished by the floodplain administrator and shall include, but not be limited to:~~

~~A. One or more site plans, drawn to scale, showing:~~

- ~~1. The nature, location, dimensions, and Provide equivalent volumes at equivalent elevations of the property in question;~~
- ~~2. Names and location of all lakes, to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water bodies, waterways mark and drainage facilities within 300 feet of the site;~~
- ~~3. The elevations of the 10-, 50-, 100-, and 500-year floods, where the data are best available. Additionally, for property located within the SFHA, base flood elevations shall be included as required in ACC 15.68.060(C)(3);~~
- ~~4. The boundaries of the regulatory floodplain, SFHA, floodway, riparian habitat zone, and channel migration area, delineated in accordance with this chapter;~~
- ~~5. The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities and roads;~~
- ~~6. Existing and proposed structures, fill, pavement and other impervious surfaces, and sites for storage of materials;~~
- ~~7. All wetlands;~~
- ~~8. Designated fish and wildlife habitat conservation areas; and~~
- ~~9. Existing native vegetation and proposed revegetation (see ACC 15.68.161(D)).~~
- ~~B. If the proposed project involves regrading, excavation, or filling, the site plan shall include proposed post-development terrain at one-foot contour intervals.~~
- ~~C. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged structure that will be elevated, the application shall include the FPE for the building site 10-year, 50-year and the proposed elevations of the following:~~
 - ~~1. The top of bottom floor (including basement, crawlspace, or enclosure floor);~~

~~2. The top of the next higher floor;~~

~~3. The top of the slab of an attached garage;~~

~~4. The lowest elevation of machinery or equipment servicing the structure;~~

~~5. The lowest adjacent (finished) grade next to structure;~~

~~6. The highest adjacent (finished) grade next to structure;~~

~~7. The lowest adjacent grade at the lowest elevation of a deck or stairs, including structural support.~~

~~D. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged nonresidential structure that will be dry floodproofed, the application shall include the FPE for the building site and the elevation in relation to the datum of the effective FIRM to which the structure will be dry floodproofed and a certification by a registered professional engineer or licensed architect that the dry floodproofing methods meet the floodproofing criteria in this chapter.~~

~~A. E. The application shall include a description of the extent to which a stream, lake, or other 100-year water body, including its shoreline, will be altered or relocated as a result of the proposed developments~~surface profiles.

~~B. Be hydraulically connected to the source of flooding.~~

~~C. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins.~~

~~D. The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.~~

~~F. The application shall include documentation that the applicant will apply for all necessary permits required by federal, state, or local law. The application shall include acknowledgment that the applicant understands that the final certificate of occupancy will be issued only if the applicant provides copies of the required federal, state, and local permits or letters stating that a permit is not required.~~

~~G. The application shall include acknowledgment by the applicant that representatives of any federal, state or local unit of government with regulatory authority over the project are authorized to enter upon the property to inspect the development.~~

~~H. The riparian habitat zone shall be delineated on the site plan by the applicant at the time of application for subdivision approval or floodplain development permit for all development proposals within 300 feet of any stream or shoreline.~~

~~I. If the project is located in the regulatory floodplain and includes activities not listed in ACC 15.68.130(C) and (D), the application shall include a habitat impact assessment. If that assessment determines that impacts would result from the project, the application shall also include a habitat mitigation plan.~~

J. 15.68.440 Habitat Impact Assessment.

Unless allowed under ACC 15.68.130(C) or (D), ~~an~~Sections 15.68.370 and 15.68.380, a permit application to develop in the ~~regulatory floodplain~~Special Flood Hazard Area shall include an assessment of the impact of the project on federal, state or locally protected species and habitat, water quality and aquatic and riparian habitat.

The assessment shall be:

~~A. 1. A biological evaluation~~A Biological Evaluation or ~~biological assessment that has received concurrence from the U.S. Fish and Wildlife Service~~Biological Assessment developed per 50 C.F.R., Subsection 402.12 to initiate Federal Interagency consultation under Endangered Species Act Section 7.a.2;

or,

~~A.B. Documentation that the National Marine Fisheries Service, pursuant to~~activity fits within Section ~~74.d~~ of the Endangered Species Act; or,

~~B.C. 2. Documentation that the activity fits within a~~habitat conservation planHabitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act, where any such assessment has been prepared or is otherwise made available; or

~~3. Documentation that the activity fits within Section 4(d) of the Endangered Species Act; or~~

~~C.D. 4. An assessment prepared in accordance with~~ *Regional Guidance for Floodplain Habitat Assessment and Mitigation*, FEMA Region X, ~~2010~~2013. The assessment shall determine if the project would adversely affect:

~~1. a. Species that are Federal, state or local listed as threatened or endangered.~~

~~1.2. The primary constituent elements identified for critical habitat when a species is listed as threatened or endangered; delineated, including but not limited to water quality, water quantity, flood volumes, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids.~~

~~2.3. b. Essential fish habitat~~Fish Habitat designated by the National Marine Fisheries Service;

~~3.4. c. Fish and wildlife habitat conservation areas;~~

~~d. Vegetation communities and habitat structures;~~

~~e. Water quality;~~

~~f. Water quantity, including flood and low flow depths, volumes and velocities;~~

~~g. The channel's natural planform pattern and migration processes;~~

~~h. Spawning substrate, if applicable; and/or~~

~~i. Floodplain refugia, if applicable.~~

~~5. K. Other protected areas and elements necessary for species conservation.~~

15.68.450 Habitat Mitigation Plan.

A. ~~1. A.~~ If the assessment conducted under ~~subsection J of this section~~Section 15.68.440 concludes the project is expected to have an adverse effect on water quality and/or aquatic or riparian habitat or habitat ~~functions~~function, the applicant shall provide a plan to mitigate those impacts, in accordance with *Regional Guidance for Floodplain Habitat Assessment and Mitigation*, FEMA Region X, ~~2010~~2013.

~~1. a. For projects or those portions of a project located within the regulatory floodplain but outside of the protected area~~1. If the USFWS or NMFS issues an Incidental Take Permit under Section 10 of the Endangered Species Act or a Biological Opinion under Section 7 of the Endangered Species Act; then it can be considered to qualify as a plan to mitigate those impacts.

~~2. 2.~~ If the project is located in the Protected Area, the mitigation plan shall stipulate avoidance measures as are needed to ensure that there is no adverse effect during any phase of the project. No compensatory mitigation is allowed in the Protected Area.

~~4.3. 3.~~ If the project is located outside the Protected Area, the mitigation plan shall include such avoidance, minimization, restoration, or compensation measures ~~as are appropriate to mitigate the adverse effects of the project~~ so that indirect adverse effects of development are mitigated such that equivalent or better habitat protection is provided for the following functions:

~~b. For projects or those portions of a project located within the protected area, the project shall be revised to include such appropriate measures as are needed to ensure that there is no adverse effect due to the project. Minimization measures are not allowed in the protected area, unless they, in combination with other measures, result in no adverse effect.~~

~~a. 2. a.~~ Stormwater: Reduce flood volumes and stormwater runoff from new development by ensuring that increased volumes of stormwater reach the river at the same frequency, timing and duration as historical runoff. Low Impact Development (LID) is required to be incorporated as described in Section 15.68.270(-B).

~~b. b.~~ Riparian Vegetation: Maintain or replace riparian function by providing equivalent area, diversity, and function of riparian vegetation as currently exists on the site. Riparian retention requirements are outlined in ACC 15.68.400.

~~c. c.~~ Hyporheic Zones:— No activity is allowed that interferes with the natural exchange of flow between surface water, groundwater and hyporheic zone, however, natural hyporheic exchange may be enhanced or restored.

~~d. d.~~ Wetlands: Wetland function must be maintained or replaced by providing equivalent function.

~~e. e.~~ Large Woody Debris: Any large woody debris (LWD) removed from the floodplain must be replaced in kind, replicating or improving the quantity, size, and species of the existing LWD per Washington Department of Fish and Wildlife Aquatic Habitat Guidelines.

~~4. 4.~~ No new stream crossings are allowed outside the Protected Area unless approval has been obtained as stated in Section 15.68.460-(A).

B. ~~B.~~ The plan's habitat mitigation activities shall be incorporated into the proposed project. The floodplain development permit shall be based on the redesigned project and its mitigation components.

~~C. L. C.~~ As required in Section 15.68.230, the floodplain administrator or designee shall not issue a certificate of occupancy or final permits until all work identified in the Habitat Assessment and mitigation plan has been completed or the applicant has provided the necessary assurance that unfinished portions of the project will be completed, in accordance with Section 15.68.230(-A).

~~C.D. D.~~ Third—Party Review. For the habitat impact assessment required in ~~s~~Subsection ~~J~~15.68.440 of this section or the habitat mitigation plan required in ~~subsection K~~ of this section, the city may require third-party review when the professional opinions of the applicant's representative and the city's reviewers cannot be reconciled. Third-party review requires the applicant's habitat impact assessment, habitat mitigation plan, and/or additional technical studies to be reviewed by an independent third party, paid for by the applicant but hired by the city. Third-party review shall be conducted by a qualified consultant as defined in the Floodplain Habitat Assessment and Mitigation Regional Guidance, FEMA Region X, ~~2010-2013~~.

15.68.136 — Floodplain 460 Alteration of Watercourses.

A. ~~A.~~ In addition to the other requirements in ~~Section~~Chapter 15.68, if a project will alter or relocate boundaries of the SFHA, then the applicant shall also submit a request for a Conditional Letter of Map Revision (CLOMR), where required by FEMA with engineering documentation and analysis regarding the proposed change. The project will not be approved unless FEMA issues the CLOMR (which requires Endangered Species Act consultation) and the provisions of the letter are made part of the permit requirements. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit ~~expiration~~. The project shall be constructed in a manner consistent with the approved CLOMR.

B. ~~—~~ If there has been no start of construction, a floodplain development permit shall expire 180 days after the date of issuance. Where the applicant documents a need for an extension beyond this period due to conditions beyond the applicant's control, the floodplain administrator may authorize one or more extensions.

C. ~~—~~ 15.68.140 — Designation of the floodplain administrator.

D. ~~—~~ The director of the planning and development department, or the director's designee, is hereby appointed to administer and implement this chapter by granting or denying B. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit ~~applications in accordance with its provisions.~~

E. ~~—~~ 15.68.141 — Duties of the floodplain administrator.

F. ~~—~~ Duties of the floodplain administrator shall include, but not be limited to:

G. ~~—~~ A. Review all floodplain development permits to determine that the permit requirements of this chapter have been satisfied.

H. ~~B.~~ B. Review all floodplain development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required, including those local, state or federal permits that may be all required to assure compliance with the Endangered Species Act and/or other appropriate state or federal laws property owner notifications.

I. ~~—~~ C. Review all ~~The~~ floodplain development permits to determine if the proposed development is located in the protected area. If located in the protected area, ensure that the applicable provisions of this chapter are met.

J. ~~—~~ D. Ensure that all development activities within the regulatory floodplain of the city meet the requirements of this chapter.

~~K. E. Inspect all development projects before, during and after construction to ensure compliance with all provisions of this chapter, including proper elevation of the structure.~~

~~L. F. Maintain for public inspection all records pertaining to the provisions of this chapter.~~

~~M. G. Submit reports as required for the National Flood Insurance Program.~~

~~N. H. Notify FEMA of any proposed amendments to this chapter.~~

~~O. I. Cooperate with state and federal agencies to improve flood and other technical data and administrator or designee shall notify FEMA of any new data that would revise the FIRM.~~

~~P. J. Make interpretations, where needed, as to the exact location of the boundaries of the regulatory floodplain, the SFHA and the protected area (e.g., where there appears to be a conflict between the mapped SFHA boundary and actual field conditions as determined by the base flood elevation and ground elevations).~~

~~Q. 15.68.150 Duties and responsibilities of the public works department.~~

~~R. Duties of the public works department regarding flood hazard areas shall include, but not be limited to:~~

~~S. A. Permit Review.~~

~~T. 1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;~~

~~U. 2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;~~

~~V. 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of ACC 15.68.160(C) are met.~~

~~W. B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with ACC 15.68.060(C), the city engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer this chapter.~~

~~X. C. Information to Be Obtained and Maintained.~~

~~Y. 1. Where base flood elevation data has not otherwise been provided in accordance with this chapter, obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. This information shall be recorded on a current FEMA Elevation Certificate (FEMA Form 81-31), signed and sealed by a professional land surveyor, currently licensed in the state of Washington.~~

~~Z. 2. For all new or substantially improved floodproofed structures:~~

~~AA. a. Verify and record the actual elevation (in relation to mean sea level); and~~

~~BB. b. Maintain the floodproofing certifications required in this chapter.~~

~~CC. 3. Maintain for Public Inspection All Records Pertaining to the Provisions of This Chapter. This information shall be recorded on a current FEMA Floodproofing Certificate (FEMA Form 81-65), by a professional engineer, currently licensed in the state of Washington.~~

~~DD. D. Alteration of Watercourses.~~

~~EE.C. 1. Notify~~ adjacent communities and the Washington Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to ~~the Federal Insurance Administration; FEMA.~~

~~FF.D. 2. Require that maintenance is~~D. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. If the maintenance program does not call for cutting of native vegetation, the system shall be oversized at the time of construction to compensate for said vegetation growth or any other natural factor that may need future maintenance.

~~E. Interpretation of Firm Boundaries. Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.~~

~~F. Appeals of determinations made pursuant to this chapter shall be filed with the city's public works director within 20 working days after the final city engineer decision is issued. The public works director shall have 15 working days to review the appeal, determine whether to uphold or modify the city engineer's decision, and notify the applicant of such determination. The decision of the public works director shall be final. The city engineer's and director's decision shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76). (Ord. 6295 § 2, 2010; Ord. 6182 § 4, 2008; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(4.3), 1989.)~~

15.68.151 ——— Duties and responsibilities of the planning and development department.

Duties of the planning and development department shall include, but not be limited to:

~~A. Permit Review.~~

- ~~1. Review all building-related development permits to determine that the permit requirements of this chapter have been satisfied including building, addition and alteration permits;~~
- ~~2. Review all building-related development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and~~
- ~~3. Review all building-related projects to determine that the procedures for building projects within a special flood hazard area have been applied.~~

~~B. Information to Be Obtained and Maintained.~~

- ~~1. Where base flood elevation data is provided through the flood insurance study or required as in ACG 15.68.150(B), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;~~
- ~~2. For all new or substantially improved floodproofed structures:
 - ~~a. Verify and record the actual elevation (in relation to mean sea level); and~~
 - ~~b. Maintain the floodproofing certifications required in this chapter;~~~~
- ~~3. Maintain for public inspection all building-related records pertaining to the provisions of this chapter.~~

~~Article V. Provisions for Flood Hazard Protection~~

~~15.68.160 Standards of the public works department.~~

~~A. Utilities.~~

- ~~1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.~~
- ~~2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.~~
- ~~3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~
- ~~4. All new streets shall be designed to ensure the lowest finished surface elevation is a minimum of one foot higher than the adjacent 100-year flood elevation.~~
- ~~5. All new development shall be designed and located to minimize the impact on flood flows, flood storage, water quality, and habitat.~~
 - ~~a. Stormwater and drainage features shall incorporate low impact development techniques that mimic predevelopment hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervious areas, permeable pavement, and vegetative roof systems.~~
 - ~~b. If the proposed project will create new impervious surfaces so that more than 10 percent of the portion of the lot in the regulatory floodplain is covered by impervious surface, the applicant shall demonstrate that there will be no net increase in the rate and volume of the stormwater surface runoff that leaves the site or that the adverse effect is mitigated as required in ACC 15.68.135(J) and (K).~~
- ~~6. The site plan required in this chapter shall account for surface drainage to ensure that:~~
 - ~~a. Existing and new buildings on the site will be protected from stormwater runoff; and~~
 - ~~b. The project will not divert or increase surface water runoff onto neighboring properties.~~
- ~~7. Utilities. Water wells shall be located outside the floodway and shall be protected to the FPE.~~

~~B. Subdivision Proposals.~~

- ~~1. All subdivision proposals shall be consistent with the need to minimize flood damage.~~
- ~~2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.~~
- ~~3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.~~

~~C. Floodway Standards.~~

- ~~1. In addition to the other requirements of this chapter, a project to develop in the floodway as delineated pursuant to this chapter shall meet the following criteria:~~
 - ~~a. The applicant shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering~~

~~practice that the proposed development would not result in any increase in flood levels during the occurrence of the base flood discharge.~~

~~b.—Construction or reconstruction of residential structures is prohibited within designated floodways, except for the following. The following exceptions must still meet all other requirements in this chapter:~~

~~i.—Repairs, reconstruction, or improvements to a residential structure which do not increase the ground floor area, providing the cost of which does not exceed 50 percent of the market value of the structure either (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by a local code enforcement official and which are the minimum necessary to assure safe living conditions, or to an historic structure, may be excluded from the 50 percent calculations;~~

~~ii.—Repairs, replacement, reconstruction, or improvements to existing farmhouses located in designated floodways and located on designated agricultural lands that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-075;~~

~~iii.—Repairs, replacement, reconstruction, or improvements to substantially damaged residential dwellings other than farmhouses that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-076; or~~

~~iv.—Repairs, reconstruction, or improvements to residential structures identified as historic structures that do not increase the building's dimensions.~~

~~2.—In riverine special flood hazard areas where a floodway has not been delineated pursuant to this chapter, the applicant for a project to develop in the SFHA shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development and all other past or future similar developments would not cumulatively result in an increase of flood levels during the occurrence of the base flood discharge by more than one foot.~~

~~15.68.161————Standards of the planning and development department.~~

~~In all areas of special flood hazard the following standards are required:~~

~~A.—Anchoring.~~

~~1.—All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~

~~2.—All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in~~

addition to other anchoring requirements for resisting wind forces. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

~~B.—Construction Materials and Methods.~~

- ~~1.—All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~
- ~~2.—All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.~~
- ~~3.—Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~C.—Review of Building Permits.~~ Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

~~D.—Native Vegetation.~~ The site plan required for development in the regulatory floodplain shall show existing native vegetation.

- ~~1.—In the riparian habitat zone, native vegetation shall be left undisturbed, except if in connection with an activity allowed in the regulatory floodplain without a permit, and except for activities with the sole purpose of creating, restoring or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, provided the activities do not include structures, grading, fill, or impervious surfaces.~~
- ~~2.—Outside the riparian habitat zone, removal of native vegetation shall not exceed 35 percent of the surface area of the portion of the site in the regulatory floodplain. Native vegetation in the riparian habitat zone portion of the property can be counted toward this requirement.~~
- ~~3.—If the proposed project does not meet the criteria of this chapter, a habitat impact assessment shall be conducted pursuant to ACC 15.68.135(J) and, if indicated by that assessment, a habitat mitigation plan shall be prepared and implemented pursuant to ACC 15.68.135(K).~~

~~15.68.170 ——— Additional standards of the planning and development department.~~

In all areas of special flood hazard where base flood elevation data is provided as set forth in this chapter, the following provisions are required:

~~A.—Residential Construction.~~

- ~~1.—New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation. Enclosed crawl space areas no taller than three feet, measured from the lowest ground within the crawl space to the bottom of the structural system directly supporting the floor slab or sheathing above, shall not be considered as a basement.~~

~~2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters.~~

~~Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

- ~~a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;~~
- ~~b. The bottom of all openings shall be no higher than one foot above grade;~~
- ~~c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.~~

~~3. The structure shall be aligned parallel with the direction of flood flows.~~

~~4. The structure shall be anchored to prevent flotation, collapse, or lateral movement of the structure.~~

~~5. All materials below the FFE shall be resistant to flood damage and firmly anchored to prevent flotation.~~

~~Materials harmful to aquatic wildlife, such as creosote, are prohibited below the FFE.~~

~~6. Electrical, heating, ventilation, duct work, plumbing, and air conditioning equipment and other service facilities shall be elevated above the FFE. Water, sewage, electrical, and other utility lines below the FFE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding.~~

~~7. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited; provided, that those areas may be used only for parking, storage, or building access and only if they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or licensed architect or meet or exceed the following minimum criteria:~~

- ~~a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~
- ~~i. b. The bottom of all openings shall be no higher than one foot above grade.~~
- ~~c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.~~

~~B. Nonresidential Construction. New construction and substantial improvement to any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation. As an alternative to elevation, a new or substantial improvement to a nonresidential structure, and its attendant utility and sanitary facilities, may be dry floodproofed in A zones.~~

~~The project shall meet the following requirements:~~

~~1. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~

~~2.1.2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~

~~3. Be certified by a registered professional engineer or a registered professional architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions~~

of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in ACC 15.68.150(C)(2);

4. ~~Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section;~~

5. ~~Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to one foot above the base flood level will be rated as one foot below that level).~~

~~C. *Manufactured Homes.* All manufactured homes to be placed or substantially improved within Zones A1—30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system.~~

~~D. *Recreational Vehicles.* Recreational vehicles placed on sites are required to either:~~

~~1. Be on the site for fewer than 180 consecutive days; or~~

~~2. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or~~

~~3. Meet the requirements of subsection C of this section and the elevation and anchoring requirements for manufactured homes.~~

~~E. *Hazardous Materials.* No new development shall create a threat to public health, public safety, or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other materials that are hazardous, toxic, or a threat to water quality are prohibited from the regulatory floodplain. This prohibition does not apply to small quantities of these materials kept for normal household use or to materials kept in approved containers above the FPE or in a dry floodproofed nonresidential building.~~

~~F. *Small Structures.* A low cost building such as a detached garage, boathouse, pole barn, or storage shed that is no larger than 500 square feet and is not used for human habitation may be exempt from the elevation requirement of this chapter, provided:~~

~~1. It is used only for parking or storage;~~

~~A. 2. It is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;~~

~~B. A. 3. It is anchored to prevent flotation which may result in damage to other structures;~~

~~4. All portions of the structure below the FPE must be constructed of flood resistant materials;~~

~~5. Service utilities such as electrical and heating equipment meet the standards of this chapter;~~

~~6. It has openings to allow free flowage of water that meet the criteria of this chapter;~~

~~7. The project meets all the other requirements of this chapter.~~

~~G. *Location of Structures.* Structures and other development shall be located to avoid flood damage.~~

~~1. If a lot has a buildable site out of the regulatory floodplain, all new structures shall be located in that area.~~

~~2.—If a lot does not have a buildable site out of the regulatory floodplain, all new structures, pavement, and other development must be sited in the location that has the least impact on habitat by locating the structures as far from the water body as possible or placing the structures on the highest land on the lot.~~

~~H.—Critical Facilities.~~

~~1.—Construction of new critical facilities shall be, to the extent possible, located outside the limits of the regulatory floodplain.~~

~~2.—Construction of new critical facilities shall be permissible if no feasible alternative site is available, provided:~~

~~a.—Critical facilities shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. If there is no available data on the 500-year flood, the permit applicants shall develop the needed data in accordance with FEMA mapping guidelines.~~

~~b.—Access to and from the critical facility shall be protected to the elevation of the 500-year flood.~~

~~15.68.180 — Floodways and community acknowledgement of FEMA map amendments.~~

~~A.—Notwithstanding any other provision of this chapter, the city may permit encroachments within the adopted regulatory floodway upon receipt of approval of the Federal Insurance Administrator and completion of the conditions of this section.~~

~~1.—Prior to a developer being authorized to encroach upon the adopted regulatory floodway to an extent which will cause base flood elevation increases in excess of those permitted in subsection A of this section, the developer shall provide, for city review and submission to the Federal Insurance Administrator, the following:~~

~~a.—A request for conditional approval of map change and the appropriate initial fee as specified by Section 72.3 of 44 CFR Chapter I Federal Emergency Management Agency or a request for exemption from fees as specified by Section 72.5 of 44 CFR Chapter I Federal Emergency Management Agency. Sections 72.3 and 72.5 of 44 CFR Chapter I Federal Emergency Management Agency are herein adopted by reference in their entirety including any future amendments thereto;~~

~~b.—An evaluation of alternatives which would not result in a base flood elevation increase above that permitted under subsection A of this section demonstrating why these alternatives are not feasible;~~

~~c.—Documentation of individual legal notice to all impacted property owners within and outside of the community, explaining the impact of the proposed action on their property;~~

~~d.—Written concurrence of the chief executive officer of any other communities impacted by the proposed actions;~~

~~e.—Written certification that no structures are located in areas which would be impacted by the increased base flood elevation;~~

~~f.—A request for revision of base flood elevation determination according to the provisions of Section 65.6 of 44 CFR Chapter I Federal Emergency Management Agency. Section 65.6 of 44 CFR Chapter I Federal Emergency Management Agency is herein adopted by reference in its entirety;~~

~~g. A request for floodway revision in accordance with the provisions of Section 65.7 of 44 CFR Chapter I Federal Emergency Management Agency. Section 65.7 of 44 CFR Chapter I Federal Emergency Management Agency is herein adopted by reference in its entirety.~~

~~B. City Review of Changes to Flood Hazard Data.~~

~~1. All requests to revise or change the flood hazard data, including requests for a letter of map revision and a conditional letter of map revision, shall be reviewed by the floodplain administrator.~~

~~a. The floodplain administrator shall not sign the community acknowledgement form for any requests based on filling or other development, unless the applicant for the letter documents that such filling or development is in compliance with this chapter.~~

~~b. The floodplain administrator shall not approve a request to revise or change a floodway delineation until FEMA has issued a conditional letter of map revision that approves the change.~~

~~c. Upon receipt of the Federal Insurance Administrator's conditional approval of map change and prior to the approval of the proposed encroachments, the developer shall compensate the city for all costs incurred by the city which are associated with:~~

~~i. The city's adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition;~~

~~ii. The city's submittal of evidence to the Federal Insurance Administrator of the city's adoption of said revised floodplain management ordinances;~~

~~iii. Within three months of completion of the proposed encroachments, the developer shall be responsible for providing certified record drawings and/or technical or scientific data to the city for submittal to the Federal Insurance Administrator.~~

~~2. If an applicant disagrees with the regulatory data prescribed by this chapter, he/she may submit a detailed technical study needed to replace existing data with better data in accordance with FEMA mapping guidelines or Regional Guidance for Hydrologic and Hydraulic Studies FEMA Region X, 2010. If the data in question are shown on the published FIRM, the submittal must also include a request to FEMA for a conditional letter of map revision.~~

~~3. All new hydrologic and hydraulic flood studies conducted pursuant to this chapter shall consider future conditions and the cumulative effects from anticipated future land use changes in accordance with Regional Guidance for Hydrologic and Hydraulic Studies, FEMA Region X, 2010. If there is a study in existence on the date this provision becomes effective that meets the rest of this chapter's criteria, it may be used, even if it does not account for future conditions.~~

~~15.68.190 ——— Developments within areas of special flood hazard.~~

~~Notwithstanding any other provision of this chapter, the city may permit developments within special flood hazard areas. Prior to approval for a development which will increase the water surface elevation of the base flood by more than one foot, a developer must comply with the requirements set forth in ACC 15.68.180(A).~~

~~15.68.200 ——— Compensatory storage requirements.~~

~~A. — Development proposals shall not reduce the effective flood storage volume at base flood elevation. Where fill, grading or other activities that may displace the effective base flood storage volume are proposed, compensatory storage shall be required. Compensatory storage shall:~~

- ~~1. — Provide equivalent volume at equivalent elevations to that being displaced.~~
- ~~2. — Hydraulically connect to the source of the flooding.~~
- ~~3. — Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs. Allowances may be granted on a case-by-case basis to allow sequential construction if the timing of the work cannot meet wintertime/flood construction schedules.~~
- ~~4. — Occur on site or, if approved by the city engineer, at a hydraulically connected off-site location.~~
- ~~5. — Provide documentation of a restrictive easement acceptable to the engineering division to ensure continued existence of the compensatory flood storage.~~

~~B.A. — 6. — The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.~~

~~B. — Certification by a registered professional engineer may be required as documentation that the compensatory storage requirement shall be met by the development proposal.~~

AUBURN
VALUES

ZONE AH
(EL 55.5)

FLOODING EFFECTS FROM GREEN RIVER

6

ZONE X

31ST STREET NE

L STREET NE

K STREET NE

M DRIVE NE

ZONE X

ZONE AE

5

NOTE: MAP AREA SHOWN ON THIS PANEL IS LOCATED WITHIN TOWNSHIP 21 NORTH, RANGE 5 EAST AND TOWNSHIP 22 NORTH, RANGE 5 EAST.

CITY OF AUBURN
530073

107TH STREET

SE 293RD STREET

SE 294TH STREET

111TH AVENUE SE

SE 297TH STREET

SE 298TH STREET

SE 299TH STREET

SE 298TH AVENUE SE

SE 299TH AVENUE SE

SE 298TH PLACE

STEVEN STURZA
PLANNING COMMISSION
APRIL 21, 2020

Department of Community Development

Planning • Building • Development Engineering • Permit Center
Sustainability • Community Services • Code Enforcement

S E R V I C E
ENVIRONMENT
E C O N O M Y
C H A R A C T E R
S U S T A I N A B I L I T Y
W E L L N E S S
C E L E B R A T I O N

FEMA'S LETTER OF DETERMINATION



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-I

February 19, 2020

The Honorable Nancy Backus
Mayor, City of Auburn
25 West Main Street
Auburn, Washington 98001

Community: City of Auburn,
King County,
Washington
Community No.: 530073
Map Panels Affected: See FIRM Index

Dear Mayor Backus:

In December 2007, you were notified of proposed Base Flood Elevations (BFEs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Auburn, King County, Washington and on April 3, 2018 you were notified of proposed flood hazard determinations (FHDs). The statutory 90-day appeal periods that were initiated on December 18, 2007 and April 17, 2018, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed BFEs and FHDs for your community in the *Seattle Times*, have elapsed.

FEMA received no valid requests for changes in the BFEs and FHDs. Therefore, the determination of the Agency as to the BFEs and FHDs for your community is considered final. The final BFEs and FHDs will be published in the *Federal Register* as soon as possible. The modified BFEs, FHDs and revised map panels, as referenced above, will be effective as of August 19, 2020, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the map and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to August 19, 2020, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations, apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

ORDINANCE NON-COMPLIANCE

- Suspension of NFIP eligibility
- No mortgages or home equity loans in floodplain areas
- No renewals of existing flood insurance policies
- Loss of most forms of Disaster Assistance
- No federal grants or loans
- Loss of subsidized insurance for Pre-FIRM structures
- Potential impacts to Endangered Species
- Failure of communities to properly regulate flood hazard areas may bring lawsuits



STAFF PROPOSED UPDATES TO ACC 15.68 MODEL ORDINANCE

What are we proposing to update?

- Created from the State of Washington Model Flood Damage Prevention Ordinance
- Reviewed & modified by City of Auburn Community Development and Public Works
- Been reviewed by FEMA and Department of Ecology
- Additional Comments have been received from Department of Ecology on 3/2/20 that have been incorporated into the Draft Code Since the March 3rd meeting

STAFF PROPOSED UPDATES TO ACC 15.68 MODEL ORDINANCE

Additional Comments from Department of Ecology Provided on 3/2/2020 and later dates

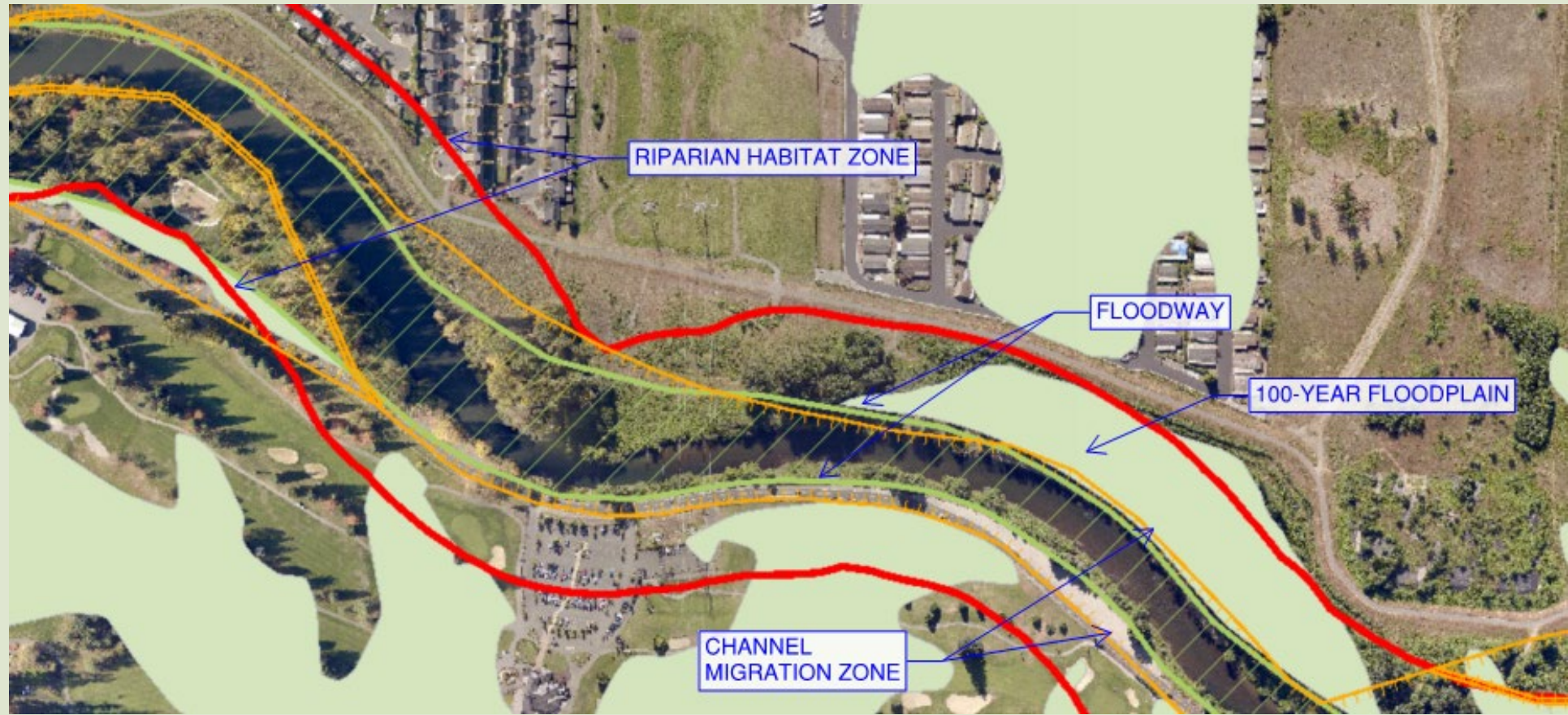
- Additional updates to the definitions
- Update the reference to the Flood Insurance Studies to be 8/19/2020
- A portion of the Urban Growth Area is in an area covered by the Pierce County FIS, the City should also adopt the Pierce County FIS and FIRMs
- Basic floodplain permit application requirements are needed in code
- A new section for Notification to Other Entities was added
- Building construction and documentation requirements were slightly updated
- Additional variance criteria was added
- A new section for Standard for Shallow Flooding Areas (AO Zones) was added

STAFF PROPOSED UPDATES TO ACC 15.68

MODEL ORDINANCE UPDATES

- Reorganize ACC, Chapter 15.68 to correspond to the layout of the Model Ordinance
- Update the definitions section to have the latest definitions per NFIP, NMFS, FEMA, DOE and City of Auburn.
- Remove all of the permit application submittal criteria from ACC, Chapter 15.68
- Information already provided in ACC 18.70.025 for variances is removed to avoid redundancy
- Minimum 15-foot setback from the protected area
- Remove a date for assessing cumulative improvements
- Increasing the requirements for what is to be addressed in Habitat Mitigation Plans

STAFF PROPOSED UPDATES TO ACC 15.68 RIPARIAN BUFFER ZONE

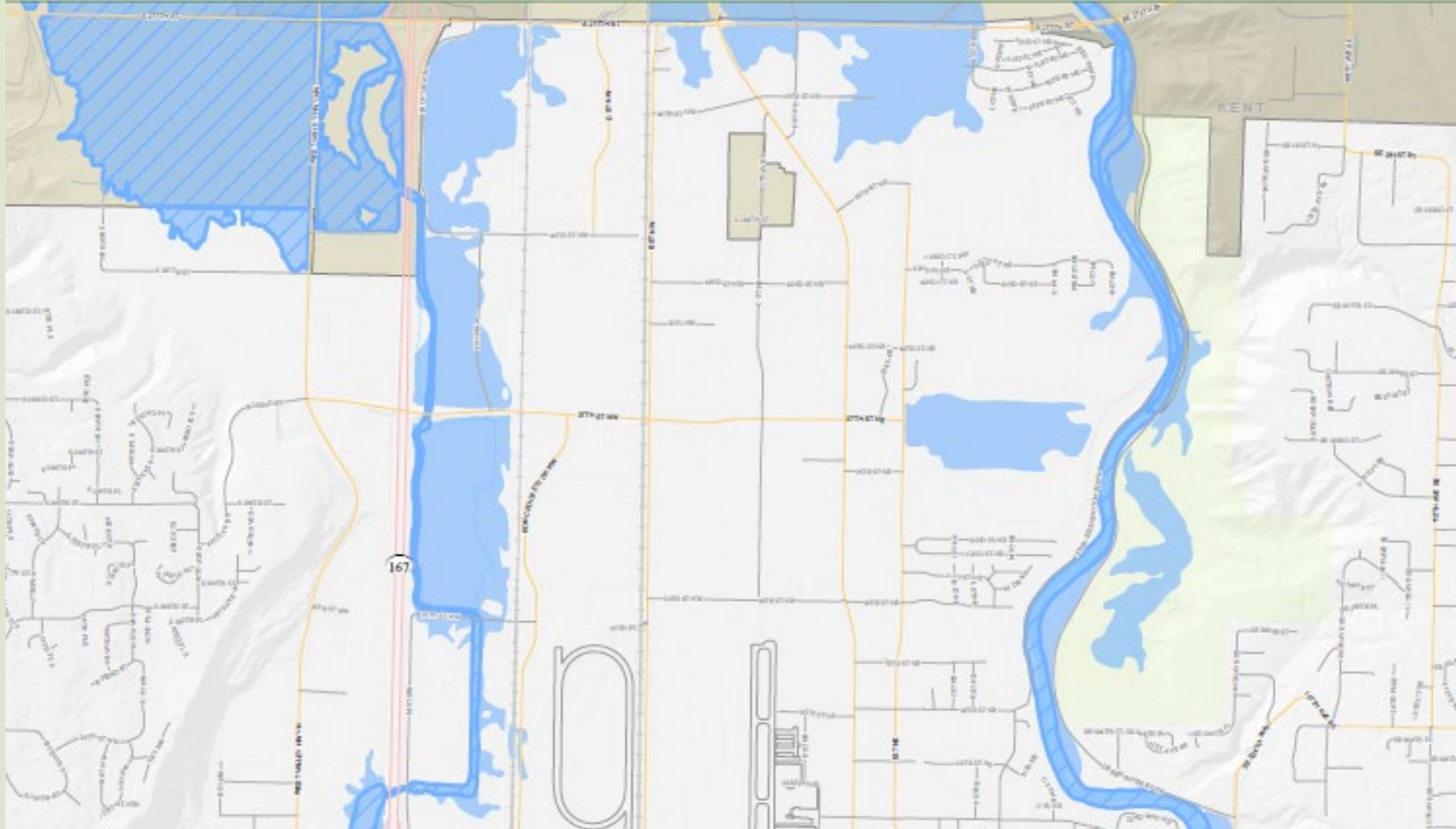


STAFF PROPOSED UPDATES TO ACC 15.68 CHANNEL MIGRATION ZONE



STAFF PROPOSED UPDATES TO ACC 15.68

CURRENT EFFECTIVE FIRM (MAY 1995)



STAFF PROPOSED UPDATES TO ACC 15.68 PRELIMINARY FIRM (8/19/2020)

