	Planning Commission Meeting March 3, 2020 - 7:00 PM AGENDA
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I. CALL TO ORDER

- A. **ROLL CALL/ESTABLISHMENT OF QUORUM**
- B. **PLEDGE OF ALLEGIANCE**

II. APPROVAL OF MINUTES

- A. January 7, 2020 Draft Minutes from the Planning Commission Regular Meeting
- B. February 4, 2020 Draft Minutes from the Planning Commission Regular Meeting

III. OTHER BUSINESS

- A. **Floodplain Code Update**
Introduction of draft amendments to Chapter 15.68
- B. **Review of Planning Commission Rules of Procedures**
Annually the Planning Commission reviews their Rules of Procedure and determines if any changes are warranted.

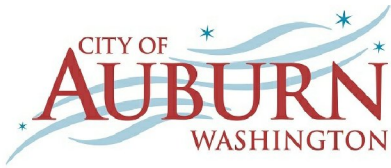
IV. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

V. 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:

January 7, 2020 Draft Minutes from the Planning Commission
Regular Meeting

Date:

February 19, 2020

Department:

Community Development

Attachments:

[January 7, 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 January 7, 2020 regular meeting minutes

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

Dixon

Meeting Date: March 3, 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, Commissioner Khanal and Commissioner Stephens.

Staff present: Planning Services Manager, Jeff Dixon; Economic Development Manager, Doug Lein; Assistant City Attorney, Doug Ruth; Administrative Assistant, Jennifer Oliver.

Members of the public present: Jonathan Smith

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. November 6, 2019 – Regular Meeting Minutes

Commissioner Khanal moved and Commissioner Lee seconded to approve the minutes from the November 6, 2019 meeting as written.

MOTION CARRIED UNANIMOUSLY. 6-0

III. OTHER BUSINESS

A. Presentation by City of Auburn Economic Development Division

Economic Development Manager, Doug Lein presented to the Commission An overview of the function and organization of this City division and their various responsibilities. He referred to a PowerPoint presentation.

The Economic Development Vision for Auburn is The City that Works. A vibrant, connected, healthy community for residents to love, visitors to enjoy, and businesses to thrive. Auburn is a robust, diverse employment base that provides good economic opportunities for residents and supports high-quality city service. Additionally, it's a strong educational system that prepares residents with skills that Auburn-based employers seek. The highlights of the Ten-year Economic Development Strategic Plan consist of launching and managing a business incubator, continues organization of 3NoNetworking events, Improvements to the Business Licensing Database; capture Auburn

based employers; continue to actively seek investors and developers for downtown projects; develop marketing packages for tourism destinations; coordinate efforts among ADA, BIA, Tourism, ED Office, Chamber of Commerce; and leverage Auburn's community of business leaders to reach peers and cultivate stronger relationships.

Opportunity Areas in Auburn consists of Legacy Mixed Use 8 Story complex, City Center Mixed Use 7 story complex, NW Valley Industrial Projects, hotel development, US General Services Administration and the old Valley 6 Drive In area to be developed by Inland Construction.

The Commission inquired about the construction happening at the location of the Legacy Mixed Use complex and why the cleanup of the site. Doug provided background information on the project site and explained that old tanks were buried on the site years ago. Over time, those underground fuel tanks could potentially leak. If the fuel is exposed into the dirt, it could expand out further. The dirt and the tanks need to be excavated to remove any contaminants that may have been exposed in the ground. Once that cleanup process is completed, the building will begin.

In response to a question asked by the Commission, a short discussion followed regarding the relocation of the employees at the GSA site and if they would be relocated within the City of Auburn. Mr. Lein responded that it was a little premature to say that this time. The process was very slow and that federal budgets and appropriations played a key role for the relocation to happen. Mr. Lein commented that once the site does become available, and gets on the real estate market, the City as a whole is anxious to see what take place with the location.

Economic Development Manager Lein provided Auburn's top 10 employers that consist of Aerospace, Gaming, Retail, Education, Health Care, Distribution, Technology, and Manufacturing:

- The Boeing Company
- Muckleshoot Tribal Enterprises
- The Outlet Collection
- Auburn School District
- Multi Care Auburn
- Green River College
- Emerald Downs Racetrack
- Safeway Distribution Center
- Zones, Inc.
- Skills, Inc.

At year end of 2018, Commercial business's in Auburn were at 315; Commercial value was over \$72 million; 404 new business licenses were activated; real estate excise tax was over \$3 million and sales tax revenue was over \$18 million. Auburn was one of the fastest growing job creators in the state for 2018.

The Economic Development Division presented what marketing strategies that were in place within the City of Auburn.

- Workshops and forums such as Innovative Partnership Zone (IPZ) Business Forum Series include Career and Technical Education Forums to discuss competencies and skills in each of the programs offered in Auburn School District
- How to Grow Your Business Internationally is available for small businesses
- The Small Business Incubator offers space and access to computers and additional office supplies for small business's just getting started. Business Classes with instructors from Green River College are offered at the Incubator.
- BuylocalAuburn.com is an initiative funded by the City of Auburn to increase sales by promoting our local supply chain. It is free advertising and will make businesses easier for local residents, commercial companies and visitors to find. The city is promoting the website on multiple social media and news platforms.

The three main functions to Economic Development's Real Estate services are property management; conveyance of property or property rights, and leasing. As a municipality, the City owes it to its citizens to be good stewards of public assets. The assets/property or property rights we have as a City are: City cannot acquire property for the purpose of profit; it has to be a municipal purpose. The encumbrances that effect property are deed restrictions, first right of refusal, and easements.

A short video was presented to the Commission regarding Tourism in Auburn. He explained that there are variety video/ads for people to watch and see the different types of activities that makes Auburn attractive. The Commission inquired if there were any videos highlighting the Green River for fishing or kayaking. Doug confirmed that there was a video shot that will be produced and marketed this spring that includes local folks fishing on the Green River. The goals for Tourism is to improve and enhance visitor experience, strengthen tourism partnerships, and develop tourism assets. The benefits of tourism for the City of Auburn is that it injects dollars from outside Auburn into our local economy. It cultivates civic pride. There is a community benefit to Auburn residents and it ensures economic vitality of Auburn businesses.

Mr. Lein concluded his presentation with information on the Business Improvement Area (BIA). He explained to the Planning Commission that under Auburn City Code Section 2.98 the Business Improvement Area is a special self-taxing district consisting of roughly 239 businesses located within a specified geographic boundary. The purpose of the BIA is to aid in general economic development and neighborhood revitalization within the BIA boundary, and to facilitate the cooperation of merchants, businesses, and residential property owners for the benefit of trade, economic vitality and livability. There are several purposes the BIA funds can be used for:

- Acquisition, construction or maintenance of parking facilities
- Decoration of any place within the BIA boundary
- Sponsorship or promotion of public events
- Furnishing of music in any public place within the BIA boundary
- Professional Management, planning and promotion for the neighborhood
- Providing maintenance and security for common, public spaces
- Providing transportation services for the benefit of the neighborhood

Mr. Lein called attention to website resources that provides a hyperlink to the various documents that were described throughout the Economic Development Division's presentation.

In a response to a question from the Commission, Mr. Lein explained that the City's airport is a critical component not only to tourism but also to support of City of Auburn businesses. It is expected that the airport runway expansion project will bring in 6 new development sites as well as a 71,000-foot commercial hanger located at the southeast corner of the runway. Once the runway expansion is concluded, the runway will consist of 3,900 feet. The longer runway can accommodate bigger aircraft, fueling stations and opportunity for business owners to fly in if they own businesses locally in Auburn. The helicopter company, Classic Helicopter Corporation is doing exceptionally well. They offer flight training and school, tours over different location points in the state and charters. The Commission inquired on how the airport translates into an economic or financial advantage for Auburn and is it a job multiplier. Mr. Lein explained that although the airport is still up and coming, there is potential to see corporations establish business locations in Auburn that would benefit from having proximity to the airport. Those corporations have the potential to bring in more jobs to the city. Mr. Lein also answered questions asked by the Commission regarding marketing of the airport and if Auburn did market it like they do other businesses around the city. Mr. Lein commented that the airport is included in the Economic Development marketing. Staff attended 2 aviation trade shows to market the airport to companies that may need access to the runway. They will be attending additional aviation tradeshow in the future. Another tourist's attraction that Auburn has begun is the Auburn Adventure Film Festival that is to be held February 21-23 at the Auburn Avenue Theater. The

Commission inquired on what type of films with Mr. Lein offering that they were adventure films such as mountain climbing, bike riding and so on. Mr. Lein said the turnout was very good last year and hopes to have more attend and participate this year.

The Planning Commission asked if any of the new complexes being built in the downtown were senior housing. Planning Services Manager Jeff Dixon and Mr. Lein confirmed that one of the complexes is 55 and over with the other complex having no age limit. The Commission also inquired about the empty spaces in the downtown area and if any businesses have shown interest. Mr. Lein responded that when the economy crisis took place years ago, many companies closed up. With that being said, it takes time to recover from that. Rent prices have also gone up which makes it hard at times to fill the spaces. Auburn has a 2 ½ % vacancy factor in the industrial areas. That is good, but also bad if a corporation were to come and want to lease space and we have nothing to offer. The Economic Development Team will be attending 4 high-end leasing events this year to help promote opportunities in the downtown area for existing spaces and for the new spaces that will appear after The Legacy mixed use complex and the Town Center mixed-use complex are completed.

The Planning Commission questioned if there was a way to track the spending of Residents living in the downtown area. Are they going to local restaurants or shopping in the downtown shops? Mr. Lein commented that while there is no way to track the spending, the conversations he has had with many of the downtown business owners revealed that there is residents that live within walking distance that frequent the restaurants and shops downtown.

With no further comments or questions from the Planning Commission, Economic Development Manager, Doug Lein concluded his presentation to the Commission.

B. Review of Planning Commission Rules of Procedures

The Planning Commission's 'Rules of Procedure' were last amended on March 5, 2019. Staff, as well as, Assistant Attorney City Attorney, Doug Ruth, reviewed the latest adopted Rules of Procedure document and notes corrections/clarifications that are shown in strike-through and underline. The goal at the meeting today was to begin the review of the Rules of Procedure and to determine if the Planning Commission would also recommend any changes or additions to the documents. Mr. Dixon reviewed the minor changes that were distributed with the Commission packets. Mr. Ruth handed out to the Commission a memo with additional changes and then he described the changes. He indicated his changes were similar to those made as recent changes to the city council's rules of procedure. After discussion with staff, Mr. Ruth and the Commission, it was determined that at the next

regular meeting in February, changes will be comprehensively presented in writing for review.

The Commission voiced some concern about having disruptive people attending the meetings. Assistant City Attorney, Doug Ruth advised the Commission that disruptive behavior is cause for adjourning the meeting. There was discussion about using expletive language by persons testifying. Mr. Ruth cautioned that expletives are not always disruptive and he would collect some research on cases where there has been specific issue with the language used by citizens and how it was handled. He will report at the next scheduled Planning Commission Meeting in February.

Election of Planning Commission Officers for year 2020

Commissioner Moutzouris motioned and Commissioner Khanal seconded for Chair Roland and Vice Chair Lee continue as Chair and Vice Chair for 2020.

Motioned Passed (6-0)

IV. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon reported that at the November 6, 2019 Planning Commission Meeting the Commission raised a number of questions regarding CPA19-0002-Comprehensive Plan Amendment Public Hearing for Policy/Text Amendment #5 on the City of Auburn Capital Facilities Plan 2020-2025. The questions were in response to a presentation by Assistant Public Works Director/City Engineer on the variety of Public Works Projects that a part of the Capital Facilities Plan. A memo was distributed with the Commission's packet providing answers to those questions raised. The questions and answers are as follows:

Utilities

The Planning Commission recalled that in a past presentation by the City's Water Division, there was mention about the City utility customers having the ability to go on-line and view via a city webpage their daily water usage. Is this still planned?

"In the year 2016, the city instituted remote wireless water meter reading system, known as Automated Meter Infrastructure (AMI). Rather than a site visit by a staff to read the water meter, this system relays a signal of the water meter readings to the city utility department for billing purposes. For business customers sanitary sewer billing is also a function of the water usage. Currently utility customers can go on-line and view their bill and their monthly water usage, and compare this usage to last year's monthly usage and to pay their bill on-line. In the future, it is planned as a later phase of the City program, to provide the capabilities for City utility customers to go on-line and view via a City webpage and view their daily water usage."

"This capability is not functional yet. It was important for the City to ensure the accurate functioning of the remote wireless water meter reading system prior to building on its capabilities and providing enhanced services. This later phase of functioning is still planned, but is dependent on funding which is anticipated for the year 2021."

Airport-related question

The Planning Commission asked about how many separate businesses operate out of the airport and how many persons are employed at the airport.

"According to the Tim Mensonides, COA Airport Manager, there are approximately 41 persons employed by businesses operating at the airport and with City staff, the number is 44. Also, he indicates that currently there are five businesses located at the airport; with the likelihood that two more businesses will be added next year in 2020."

Vice Chair Lee stated that his questions about the airport were sufficiently addressed with the presentation by Economic Development Manager, Doug Lein.

Referring to the continued hearing on the Annual Comprehensive Plan Amendments, the Commission expressed appreciation that Staff attended the regular meeting that discussed the Capital Facilities Plan. They expressed the desire to have staff in attendance next year to discuss the Capital Facilities Plan and also request to have additional time/meetings to review the Comp Plan Binder provided.

Mr. Dixon also introduced the topic of the Legal Department and specifically, the City Clerk's office requesting to provide training on the Open Public Meetings Act and the Public Records Act to the Commission. It is a requirement by the City's insurance provider to obtain this training. Planning Services Manager Jeff Dixon requested to schedule the training with the Commission at their next regular meeting on February 4th, 2020. The Commission asked how long they should expect the training to be, with Assistant Attorney General Doug Ruth confirming that it would be about 20-30 minutes. After discussion, it was agreed that the training would take place next month.

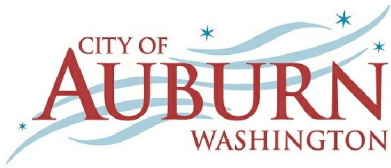
On another topic, Staff would like to coordinate another joint meeting this spring between City Council and Planning Commission. The purpose of the meeting is to have the Commissioners meet newly elected council members, to address any topics concerning the City, and to touch base on agenda items that both Planning Commission and City Council will both address. The joint meeting is proposed to be held during the Council's Study Session Meeting on either April 13, 2020 or

June 8, 2020 at 5:30 p.m. After a brief discussion on availability, it was determined that the meeting on June 8, 2020 would work the best.

Commissioner Stephens raised a question regarding the manufactured homes community that are being removed/evicted off A Street SE near the old Kool's Cafe. Although this is the City of Pacific's jurisdiction, the concern is the amount of traffic coming in and out of that site. Staff would reach out to the City of Pacific to see if any development is planned for that area.

V. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:55 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

February 4, 2020 Draft Minutes from the Planning Commission
Regular Meeting

Date:

February 19, 2020

Department:

Community Development

Attachments:

[February 4, 2020 Meeting Draft Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission Review and approve the February 4, 2020 regular meeting minutes.

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

Dixon

Meeting Date: March 3, 2020

Item Number:



I. CALL TO ORDER

At 7:10 p.m. Assistant City Attorney, Doug Ruth called the meeting to order in Auburn City Council Chambers located at 25 West Main Street, Auburn, WA 98001.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Commissioners present: Commissioner Moutzouris, Commissioner Khanal and Commissioner Stephens.

Vice-Chair Lee, Commissioner Mason and Chair Judi Roland were excused.

Staff present: Assistant City Attorney Doug Ruth; Planning Services Manager Jeff Dixon; Senior Planner Thaniel Gouk; Administrative Assistant Jennifer Oliver.

Members of the public present: No audience members were present.

Assistant City Attorney Ruth confirmed that there was no quorum present and as a result, the approval of minutes or action items would not be discussed or acted upon.

Agenda Items II A. and III C. will be continued to the next regular meeting when a quorum is present. Assistant City Ruth confirmed with Staff and the Commission to proceed with Agenda Items III A. and III B. Commissioner Stephens assisted with proceeding through the agenda.

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. January 7, 2020 – Regular Meeting Minutes

Due to the lack of quorum approval of minutes was not discussed and will be completed at the March 3, 2020 Meeting.

III. OTHER BUSINESS

A. Open Public Meetings Act (OPMA), Public Records Act (PRA) and Preservation and Destruction of Public Records Act Training.

City Assistant Attorney Doug Ruth introduced the topic and said that he had a short video to share with the Commission. He proceeded to play video prepared by City Legal Dept and the City Clerk's Office staff on requirements of state laws to the Commission. The training topics presented were the Open Public Meetings Act (RCW 42.30), the Public Records Act (RCW 42.56) and the Preservation and Destruction of Public Records Act Requirements (RCW 40.14).

B. Update to Zoning Text and Map Amendments

Senior Planner Gouk, introduced the topic of a code revision related to the city's Zoning Code Text and Map Amendment Regulations. He reviewed the contents of Chapter 18.68 of the Auburn City Code (ACC). Chapter 18.68 contains the City's regulations for amending both the text of Title 18 ('Zoning') as well as amending the official Zoning Map (aka "rezones"). The latest updates to this code section were some minor changes adopted in 1996. The currently proposed changes are being originated by staff to address both clarifying the procedural steps, the categories of applications, as well as, the substantive issues such as specifying the criteria for decision making. The proposed changes are shown by strikeout/underline code sections that are attached to memo as "Exhibit A".

Zoning Map Amendments (Rezoning) consists of three types of rezoning.

- If the rezoning request implements the Comprehensive Plan (Comp. Plan) (It is a zoning classification listed in the Comp. Plan as implementing the particular Comp. Plan Land Use Map designation (See Land Use Map)) then the request is forwarded to the Hearing Examiner for his consideration. The Hearing Examiner, after a public hearing, then makes a recommendation to the City Council, who make the final decision. Under the proposed changes this would be referred to as a "*Site-Specific Rezone, Category 1*". An example of this would be a property zoned "R-10, Residential" which has a Comp. Plan Land Use Map designation of "Light Commercial"; the owner could submit a rezoning application to change the zoning of the property to "C-1, Light Commercial" as this request would be implementing the Comp. Plan.
- If the rezoning request does not implement the Comp Plan (in other words if in the above described situation the Land Use Map designation was "Moderate Density Residential" instead of "Light Commercial") then the owner would also have to simultaneously apply for a Comp. Plan amendment. This is the type of request that the Planning Commission is used to considering. Instead of the Hearing Examiner making the recommendation to the City Council, the Planning Commission does. Under the proposed changes this would be referred to as a "*Site-Specific Rezone, Category 2*".
- The third type of rezoning is referred to as an "*Area-Wide Rezone*". These are typically utilized when there have been changes in the Comp. Plan or the Zoning Code that necessitate all properties with a particular zoning classification to be changed. These are generally City-initiated and occur over a larger geographic area rather than one or a few parcels. The most recent instance of this was removal of the "EP, Environmental Park" zone from the Comp Plan, which then resulted in an Area-Wide Rezone which the Planning Commission considered (and recommended approval of) in 2017.

There are currently there no decision-making criteria for rezone requests specified in the City's Zoning Code; however, Staff for the last several years has used three criteria that are the result of case-law. These three criteria that are based on past court decisions are proposed to be included in the changes under ACC 18.68.040, 'Rezone Approval Criteria'.

Staff went on to explain the changes proposed for Zoning Text Amendments include clarifying why/when City-initiated amendments are proposed and clarifying that the Mayor, as the executive of the City, can direct Staff to initiate such amendments.

He said the proposed changes to Chapter 18.68 ACC will help both the public and Staff in processing and understanding zoning amendments. Staff asked if the Planning Commission feels like the proposed code changes are understandable and if they do not have further questions, Staff will move forward with the next step in processing which is to conduct the environmental review and to schedule a public hearing.

After a brief discussion, Assistant City Attorney Doug Ruth clarified that without a quorum, it was still ok for the Commissioners to indicate a readiness to proceed to a Public Hearing for the Update to Zoning Text and Map Amendments at a future meeting. It was referenced that Planning Commissioners that are not in attendance tonight will need to listen to a recording of the proceeding to be able to act on the proposal. The Planning Commissioners agreed the item was ready to schedule a Public Hearing.

C. Review of Planning Commission Rules of Procedures

Due to the lack of quorum, this item was not discussed and the agenda Item was moved to the March 3, 2020 Meeting.

IV. COMMUNITY DEVELOPMENT REPORT

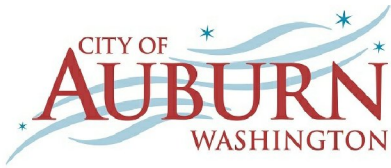
Planning Services Manager, Jeff Dixon provided an update on the status of the Sound Transit Parking Garage in downtown. He said that Sound Transit has issued their environmental documents for public review and that a public comment period is being observed through February 12th.

He also mentioned that the King Co. Metro is still considering two sites in Auburn and one in the City of Kent for a future development of an electric bus barn facility,. Metro is still evaluating the perspective sites and has a briefing presentation planned for City Council next week.

Commissioner Stephens noted that the former house and shed had been removed from the site of what was business: English Home and Garden site on A ST SW. He inquired if there were plans for redevelopment. Staff was unaware of any plans for redevelopment of the site but will look into his inquiry, and report back at the next Planning Commission Meeting.

V. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:48 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Floodplain Code Update

Department:

Community Development

Attachments:

[Floodplain Code Update Intro PC Memo](#)

[Ch. 15.68 ACC Draft Changes](#)

Date:

February 19, 2020

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

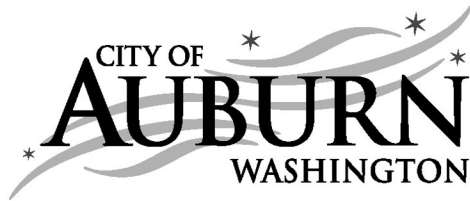
See attached memo.

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

Dixon

Meeting Date: March 3, 2020

Item Number:



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: March 3rd, 2020

SUBJECT: Introduction to Floodplain Development Code Periodic Update

PURPOSE

Provide the Planning Commission with information 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. Per the latest update we received from FEMA we will be contacted 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 has also routed the City's updated ACC, Chapter 15.68 to FEMA and Department of Ecology's NFIP State Coordinator, David Radabaugh for review and input to ensure it meets current standards. The proposed changes are shown by ~~strikeout~~/underline code attached to this memo as Exhibit A.

STAFF PROPOSED UPDATES

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

- Reorganize ACC, Chapter 15.68 to correspond to the layout of the Model Ordinance. 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 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.
- 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 and Flood Insurance Rate Map reference dates. This is not reflected on the updated code as we have not been contacted by FEMA to date.

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 FEMA-designated floodway, the Riparian Habitat Zone (RHZ), and any mapped Channel Migration Area (CMAs). 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 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 SFFIA, 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 development applicants 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).

Chapter 15.68

~~FLOOD HAZARD AREAS~~FLOODPLAIN DEVELOPMENT MANAGEMENT

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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. ~~A. To protect.~~ Protect human life, health; and ~~to protect~~ property from the dangers of flooding;

B. ~~B. To minimize~~ B. Minimize the need for publicly funded and hazardous rescue efforts to save those who are isolated by floodwaters;

~~B.C. 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~~ D. Minimize disruption of commerce, governmental services, and government infrastructure;

~~C.E. 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. E. 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 areas ~~of special~~ that are more likely to flood ~~hazard~~ so as to minimize future flood blight areas;

~~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 ~~the areas of special~~ more likely to flood hazard ~~assume responsibility for their actions;~~

~~H. I. To qualify~~ I. To qualify and are subject to channel migration to be educated about the ~~city~~ risks and challenges associated with these areas.;

~~E.I. H.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~~ J. 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~~ K. 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 Chapter.

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. — 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 area~~ Special Flood Hazard Area, the Protected Area and the supporting technical data needed to delineate those areas;

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

~~F. — J. — Specifying~~ F. Specifies additional habitat protection criteria. ~~in 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).~~ FF 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. 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, 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. A. 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. 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. G. “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. 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. 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. 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. 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 Special Flood Hazard Area (SFHA), designated on flood insurance rate maps Food Insurance Rate Maps (FIRM) as Zone-Zones “A,” including AE, AO, AH, and A1-99 and VE.~~

~~H. C. H. “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 and flood insurance study 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. I. "Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.~~

~~J. E. 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.~~

~~M.K. 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. 4. The city has technical information that is unavailable to the applicant; or~~

~~b. 2. The applicant has provided inaccurate or incomplete information on previous proposals or proposals currently under consideration.~~

~~N.L.~~ ~~E.~~ “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, or other critical public facility, 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.~~ ~~M.~~ “Development” means any ~~manmadeunnatural~~ change to improved or unimproved real estate in the ~~regulatory floodplain~~, 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, 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.~~ ~~N.~~ “Dry floodproofing” means any combination of structural and nonstructural measures that prevent flood waters from entering a structure.

~~Q.O.~~ ~~I.~~ ~~O.~~ “Elevation ~~certificate~~Certificate” means the official form (FEMA Form 81-31) used to provide elevation information necessary to ensure compliance with provisions of this ~~chapter~~ordinance 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.~~ ~~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.

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

1. ~~1.~~ ~~1.~~ The overflow of inland or tidal waters; and/or
2. ~~2.~~ ~~2.~~ The unusual and rapid accumulation of runoff of surface waters from any source.
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. ~~4.~~ ~~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. ~~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.~~ ~~T.~~ “Flood insurance rate map (FIRM)” means the official map on which the Federal ~~Insurance Administration~~ Emergency Management Agency has delineated both the ~~areas of special flood hazard~~ Special Flood Hazard Areas and the risk premium zones applicable to the community.

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

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

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

X. ~~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.~~ ~~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.~~ ~~Z.~~ “Floodway” means the channel of a stream or other watercourse designated as AE on the FIRM maps 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 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. at any point.~~

AA. ~~R.~~ AA. “Functionally Dependent Use” means a use that must be located or carried out close to water, e.g. docking or port facilities necessary for the unloading of cargo or passengers or shipbuilding or ship repair.

BB. ~~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.~~ ~~CC.~~ “Historic structure” means any structure that is:

- ~~1.~~ 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. ~~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. 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. ~~4.~~ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. ~~a.~~ By an approved state program as determined by the Secretary of the Interior, or

b. ~~b.~~ Directly by the Secretary of the Interior in states without approved programs.

~~AA-DD. 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. EE.~~ “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. FF.~~ “Lowest floor” means the lowest floor of the lowest enclosed area (including basement) ~~measured at the walking surface of the floor, or crawlspace).~~ 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~~structure’s lowest floor ~~as long as provided~~ that such enclosure is ~~not built so as compliant with Section 15.68.310(G) (i.e. provided there are adequate openings to render allow floodwaters into the structure in violation of the applicable nonelevation design requirements of this chapter found in ACC 15.68.170(A)(7)-area).~~

~~DD-GG. V. 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 ~~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. 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.

~~FF-II. X. 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.

~~GG.JJ. Y. JJ.~~ “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.KK. Z. KK.~~ “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.LL. AA. LL.~~ “New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance ~~codified in this chapter that was in effect when the permit application was submitted.~~

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

~~JJ.NN. NN.~~ “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.

~~OO. CC. OO.~~ “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.PP. PP.~~ “Recreational vehicle” means a vehicle:

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

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

~~RR. FF.~~ “Riparian habitat zone”~~RR.~~ “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-SS. SS.~~ "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.TT. GG. TT.~~ "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.UU. HH. UU.~~ "Start of construction" includes substantial improvement and new development, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, addition, placement or other improvement ~~that occurred before~~ was within 180 days of the permit's expiration permit date. 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 ~~foundation~~ 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 principle 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.VV.II. VV.~~ "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.WW.JJ. WW.~~ “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.XX. KK. XX.~~ “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~~ assessed value of such structure (as determined by the most recent County Assessment available using the prior tax year) either before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred.— For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term ~~does not, however, include either~~ can exclude:

1. ~~1.~~ 4. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been previously identified by the local code enforcement official and ~~that~~ which are the minimum necessary to assure safe living conditions; or
2. ~~2.~~ 2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

~~ZZ.YY. LL. YY.~~ “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.

~~ZZ. MM. ZZ.~~ “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. ~~AAA.~~ “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. ~~1.~~ 4. Type “S” ~~–~~ – Shoreline: Streams that are designated “shorelines of the state,” including marine shorelines.
2. ~~2.~~ 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. ~~3.~~ 3. Type “NP” ~~Np~~ Np – Non-fish perennial streams.
4. ~~4.~~ 4. Type “NS” ~~Ns~~ Ns – Non-fish seasonal streams.

BBB. ~~NN. BBB.~~ “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. ~~1.~~ 1. A: SFHA where no base flood elevation is provided.
2. ~~2.~~ 2. A#: Numbered A zones (e.g., A7 or A14), SFHA with a base flood elevation.
3. ~~3.~~ 3. AE: SFHA with a base flood elevation.
4. ~~4.~~ 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. ~~5.~~ 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. ~~6.~~ 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. ~~7.~~ 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. ~~8.~~ 8. D: Area of undetermined but possible flood hazard.
9. ~~9.~~ 9. X: The area outside the mapped SFHA.
10. ~~10.~~ 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.

~~A. A. The Special Flood Hazard Area (SFHA) is the area subject to flooding by the base flood and subject to the provisions of this ordinance. It is identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for King County, Washington and Incorporated Areas" dated May 16, 1995 and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM) dated May 16, 1995 and any revisions thereto or the best available information, are hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study 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 B. 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.~~

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

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

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

~~D.~~ ~~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.~~ ~~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.~~ ~~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.(D), 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.~~ ~~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.~~ ~~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.~~ ~~a.~~ Type S streams that are designated "shorelines of the State:"— 250 feet

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

~~c.~~ ~~c.~~ Type F streams less than 5 feet wide and lakes:— 150 feet

~~d.~~ ~~d.~~ Type N (nonsalmonid-bearing) perennial and seasonal streams with unstable slopes:— 225 feet

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

~~2.~~ ~~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. ~~D.~~ Channel Migration Area:

- a. 1.-The channel migration area shall be the channel migration zone as defined in Section -15.68.100.
- b. 2.-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. 3.-Where a channel migration zone has not yet been mapped, the provisions shall be of Section 15.68.150-(E) shall apply at the time of permit application.

15.68.150 New Regulatory Data.

A. ~~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. 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. 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. ~~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. ~~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. ~~D.~~ Where floodway delineation is not available in accordance with Section 15.68.130, the floodway will be designated to one-half the distance of the mapped 100-year floodplain at any point, and the prohibition on floodway development adheres, unless a floodway study indicates otherwise. This provision applies to any floodplain development permit.

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

1. 1.-Designate the entire SFHA as the channel migration zone or
2. 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.

F. 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.

G. 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. 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 Section 2, Definitions.

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.

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.

15.68.210 Records.

- A. 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. 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.

15.68.220 Certificate of Occupancy.

- A. 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. 1.——The permit applicant provides a properly completed, signed and sealed Elevation or Floodproofing Certificate showing finished construction data as required by Section 15.68.210;
2. 2.——If a mitigation plan is required by Sections 15.68.430 and 15.68.440, all work identified in the plan has been completed according to the plan’s schedule;
3. 3.——The applicant provides copies of all required Federal, State, and local permits noted in the permit application per Section 15.68.170;
4. 4.——All other provisions of this ordinance and conditions placed on the floodplain development permit approval letter have been met.

15.68.230 B.——Liberally 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. ~~A. ——— The hearing examiner~~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. ~~B. ——— The hearing examiner~~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. ~~C. ——— Those aggrieved by the decision of the hearing examiner~~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. ~~D. ——— Upon consideration of the factors of this chapter~~Section 4.9 and the purposes of this ~~chapter. ordinance,~~ the ~~hearing examiner~~Hearing Examiner may attach such conditions to the granting of ~~variances~~the variance as ~~it~~he/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~~240 Variance Criteria.

- A. ~~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. ~~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;~~

- ~~1.3. 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;~~
- ~~4. A. A floodplain development permit 3. Is the minimum necessary to grant relief; and,~~
- ~~B. 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. 4. The project will not adversely affect features or quality of habitat supporting local, state or federally protected fish or wildlife;~~
- ~~C. G. Variances may be requested for new construction or development begins, substantial improvements, and other development for the conduct of functionally dependent uses provided:~~
- ~~1. 4. There is good and sufficient cause for providing relief;~~
- ~~2. 2. The variance is the minimum necessary to provide relief;~~
- ~~1.3. 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 floodway;~~
- ~~4. 4. The project will not adversely affect federal, state or locally protected fish, wildlife and their habitat or the functions associated with their habitat.~~

Section 5. General Development Standards

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

15.68.250 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.

15.68.260 Site Design.

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

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

4. 4. If the proposed project does not meet the criteria of Section 15.68.260(A) through (B), a habitat impact assessment shall be conducted pursuant to Section 15.68.430 and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to Section 15.68.440.

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

1. 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. 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 15.68.430 and 15.68.440.

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

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

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

15.68.270 Hazardous Materials.

A. 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. ~~B.~~—If the proposed project cannot meet Section 15.68.270(A) of this ordinance, then a habitat impact assessment must be conducted in accordance with Sections 15.68.430 and 15.68.440.

15.68.280 Critical Facilities.

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

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

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

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

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

~~E.~~ ~~E.~~—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.

~~F.~~ ~~the project may still be F.~~ 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.

~~G.~~ ~~G.~~—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. ~~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. ~~2.~~—The bottom of all openings shall be no higher than one foot above grade.

3. ~~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. ~~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 5.2-2(3).

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. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or 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 subsection 1 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 4.3-3(2);

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2-1(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.

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(G);
- 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 15.68.430 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.—Routine maintenance of landscaping that does not involve grading, excavation, or filling;
- B. 2.—Removal of noxious weeds and hazard trees and replacement of ~~nonnative~~ non-native vegetation with native vegetation;

C. ~~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.~~ Normal maintenance of above ground ~~public~~ utilities and facilities, such as replacing downed power lines ~~and utility poles~~;

E. ~~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. ~~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.~~ ~~Public street improvements with no significant vegetation impacts, and no appreciable change in grade;~~

F.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. ~~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 15.68.430, provided that all other requirements of this ~~chapter ordinance~~ are met, including obtaining a floodplain development permit:

A. ~~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.~~ 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.~~ 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.~~—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.~~ 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 and the habitat impact assessment ~~and any mitigation~~ required under ~~ACC 15.68.135(K) and (L)~~Section 15.68.430, and a floodplain development permit is issued.

15.68.400 Native Vegetation.

The site plan required in ~~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 15.68.430 and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to Section 15.68.440.

15.68.410 Floodway Standards.

A. ~~_____~~ ~~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(D) 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. ~~_____~~ ~~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. ~~b.~~ Repairs, replacement, reconstruction or improvements to existing farmhouses (as defined in WAC 173-158-030) 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;

c. ~~c.~~ 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,

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

B. ~~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(D), 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 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. 15.68.430 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 plan 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

~~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.~~

15.68.440 Habitat Mitigation Plan.

A. ~~1. A.~~ If the assessment conducted under ~~subsection J of this section~~ Section 15.68.430 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.

~~1.3.~~ ~~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 15.68.260 ~~(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 15.68.450 ~~(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 15.68.220, 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 15.68.220(-A).

~~G.D. D.~~ Third-Party Review. For the habitat impact assessment required in ~~s~~Subsection ~~J~~15.68.430 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 **450 Alteration of Watercourses.**

A. ~~A.~~ In addition to the other requirements in SectionChapter 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 ACG 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 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.
 - 6.—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 below the FPE 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 FFE 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).

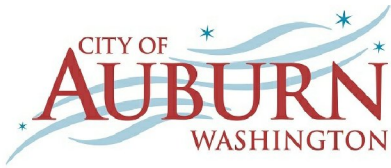
15.68.200 ——— Compensatory storage requirements.

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.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Review of Planning Commission Rules of Procedures

Department:

Community Development

Attachments:

[PC Rules of Procedure Memo](#)
[Draft PC Rules](#)

Date:

February 19, 2020

Budget Impact:

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

Administrative Recommendation:**Background Summary:**

See attached memo.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: March 3, 2020

Staff:

Dixon

Item Number:



MEMORANDUM

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

FROM: Jeff Dixon, Planning Services Manager

DATE: January 22, 2020

RE: February 4, 2020 Planning Commission Meeting – Continued discussion of potential revisions to the Planning Commission’s Rules of Procedure

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, house-keeping 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 the meeting.

Additionally, at the 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.

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'.

Attachment A – Planning Commission Rules of Procedure as amended March 5, 2019 & with staff recommended changes shown in strike-through & underline.

CITY OF AUBURN

PLANNING COMMISSION

RULES OF PROCEDURE

ADOPTED NOVEMBER, 1983
REVISED NOVEMBER, 1988
UPDATED APRIL, 2000
REVISED FEBRUARY, 2007
REVISED APRIL 2, 2013
REVISED MARCH 8, 2016
REVISED May 2, 2017
REVISED February 6, 2018
REVISED , 2018
REVISED June 5, 2018
REVISED March 5, 2019
REVISED XX, 2020

PLANNING COMMISSION - RULES OF PROCEDURE

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DRAFT

CITY OF AUBURN PLANNING COMMISSION

RULES OF PROCEDURE

We, the members of the Planning Commission of the City of Auburn, do hereby adopt, publish, and declare the following Rules of Procedure:

I. NAME:

The official name of the City of Auburn advisory planning agency shall be "The City of Auburn Planning Commission." The membership and terms of office of the members of the Planning Commission shall be as provided in Chapter 2.45 of the Auburn City Code (ACC).

II. MEETINGS:

1. All meetings will be held at the Auburn City Hall, Auburn, Washington, unless otherwise directed by the Secretary or Chair of the Planning Commission.
2. Regular meetings shall be held on the Tuesday following the first Monday of each month, and shall be open to the public. The meeting shall convene at 7:00 P.M. unless otherwise directed by the Secretary or the Chair.
3. If the first Monday of the month is a legal holiday, the regular meeting shall be held on the following Wednesday. If a regular meeting day (Tuesday) falls on a legal holiday or on the November General Election, the Commission will convene on the following Wednesday.
4. Special meetings of the Planning Commission may be called by the Chair. Special meetings of the Planning Commission may also be called by any three members of the Commission. A minimum notice of 24 hours shall be provided for special meetings in accordance with State law.
5. If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be canceled at the notice of the Secretary or Chair provided at least 24 hours in advance.
6. Except as modified by these ~~R~~rules of ~~P~~procedure, Robert's Rules of Order, Newly Revised, most current version, shall govern the conduct of the meetings.

7. Meetings of the Planning Commission shall be conducted in conformity with the requirements of the Washington State Open Public Meetings Act, Chapter 42.30 of the Revised Code of Washington (RCW). Executive sessions can only be held in accordance with the provisions of Section 42.30.110 RCW.
8. The Planning Commission may conduct business in closed session as allowed in conformity with Section 42.30.140 RCW.
9. An agenda shall be prepared in advance of every regular and special meeting of the Planning Commission. Meeting agendas and materials on items on an agenda for a regular meeting shall be provided to members of the Planning Commission not less than five (5) days in advance of the regular meeting. Meeting agendas and materials on items on an agenda for a special meeting shall be provided to members of the Planning Commission as promptly in advance of the meeting as can reasonably be accomplished.

III. ELECTION OF OFFICERS:

1. The officers of the Commission shall consist of a Chair and Vice Chair elected from the appointed members of the Commission and such other officers as the Commission may, by the majority vote, approve and appoint.
2. The election of officers shall take place once each year at the Commission's first regular meeting of each calendar year, or as soon thereafter as possible. The term of office of each officer shall run until the subsequent election.
3. If the Chair or Vice-Chair vacates their position mid-term, the Planning Commission will re-elect officers at their next scheduled meeting and as their first order of business. If it is the Chair position that has been vacated, the Vice-Chair will administer the election proceedings.

IV. CHAIR:

1. The Chair shall preside over the meetings of the Commission and may exercise all the powers usually incident of the office. The Chair shall be considered as a member of the Commission and have the full right to have his/her own vote recorded in all deliberations of the Commission. Unless stated otherwise, the Chair's vote shall be considered to be affirmative for the motion.

2. The Chair shall have power to create temporary committees of one or more members. Standing committees of the Commission shall be created at the direction of the Commission and appointed by the Chair. Standing or temporary committees may be charged with such duties, examinations, investigations and inquiries relative to one or more subjects of interest to the Commission. No standing or temporary committee shall have the power to commit the Commission to the endorsement of any plan or program without the approval at the regular or special meeting of the Commission.
3. The Vice Chair shall in the absence of the Chair, perform all the duties incumbent upon the Chair.
4. In the event of the absence of the Chair and Vice Chair, the senior member of the Commission present shall act as Chair for that meeting or may delegate the responsibility to another member.

V. SECRETARY:

The ~~Community Planning and~~ Development Director ("Director"), or his/her appointee, shall act as the Secretary for the Planning Commission and shall keep a record of all meetings of the Commission and its committees. These records shall be retained at the ~~Community Planning and~~ Development Department.

All public hearings shall be electronically recorded verbatim and may be transcribed upon request of the Director, City Attorney, the majority of the Commission, or City Council. Transcriptions may be requested by other parties, in which case, the costs of transcription shall be borne by the requesting party.

VI. QUORUM:

A simple majority of the appointed members shall constitute a quorum for the transaction of business. A simple majority vote of the quorum present shall be sufficient to take action on the matters before the Commission; provided that if at any time during the meeting, a quorum is no longer present, the meeting may only continue for the time and duration necessary to fix a time for adjournment, adjourn, recess or take measures to obtain a quorum.

VII. ABSENCE OF MEMBERS:

Participation in Planning Commission responsibilities is essential; not only so that a quorum can be established, but to also ensure that discussions and decision making are as representative of the community as possible. Recurring absence also diminishes a member's ability to vote on matters discussed during prior meetings. It is therefore important for all appointed

members to participate to the maximum extent possible. If a member is unable to participate on a regular basis, it may be appropriate for a member to be replaced. This section of the rules is intended to provide standards that ensure that the regular absence of one member does not become disruptive to, or impede the work of, the full Commission.

In the event of a member being absent for two (2) consecutive regular meetings, or being absent from 25% of the regular meetings during any calendar year, without being excused by the Chair, the Chair may request that the Mayor ask for his or her resignation. To be excused, members must inform the planning commission's secretary in advance if they cannot attend a scheduled meeting.

VIII. ACTIONS DEFINED:

The rules of the Commission impose different requirements according to the type of action before the Commission.

1. Legislative actions are those which affect broad classes of people of the whole City. These actions include adopting, amending, or revising comprehensive, community, or neighborhood plans, or other land use planning documents or the adoption of area wide zoning ordinances or the adoption of a zoning ordinance amendment that is area wide in significance.
2. Quasi-judicial actions of the Planning Commission are those actions which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions include actions that would otherwise be administrative or legislative if applied more widely or city-wide, rather than affecting one or a small number of persons or properties. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of general or area-wide significance.
3. Organizational actions are those actions related to the organization and operation of the Commission. Such actions include adoption of rules, directions to staff, approval of reports, election of officers, etc.

IX. AGENDA:

An agenda shall be prepared for each meeting consisting of the following order of business:

1. CALL TO ORDER

- a) Roll Call/Establishment of Quorum
- b) Pledge of Allegiance
2. Approval of Minutes
3. Public Hearings
4. Other Business Items as Appropriate
5. Community Development Report
6. Adjournment

Additional items may be added to the agenda by the Planning Commission. The Chair shall have the discretion to amend the order of business.

X. PUBLIC HEARINGS:

The procedure for conducting all public hearings will be as follows:

1. Chair opens the public hearing and establishes whether the proponent, if applicable, is in attendance.
2. Staff Report.
3. Testimony of Proponent, if applicable. Persons addressing the Commission, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign in sheet available at the Secretary's desk. All remarks will be addressed to the Commission as a whole. The Secretary shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions of persons addressing the ~~Council~~ Commission when warranted, ~~at in~~ the discretion of the Presiding Officer.
4. Chair calls for other testimony, either for or against. Testimony must be called for three times. The Chair shall have the discretion to set time limits on individual public testimony.
5. All testimony and comments by persons addressing the Commission shall be relevant and pertinent to issues before the Commission's public hearing. The Chair shall have the discretion to rule on the relevance of individual public testimony.
6. Questions of staff or persons presenting testimony. Questions by Planning Commissioners that are intended for persons who have provided testimony shall be directed through the Chair. Questions to persons who have provided testimony shall be relevant to the testimony that was provided.
7. Chair closes public hearing.

8. A public hearing may be reopened by motion duly seconded and approved by a majority vote to accept additional testimony.
9. Deliberation.
10. Voting:

A. The Chair shall call for a vote.

B. Any member, including the Chair, not voting or not voting in an audible voice shall be recorded as voting in the negative~~favor of the motion~~.

C.B. The Chair, or a Commission member may request that the Secretary ~~Secretary, or upon request from a Commission member, may~~ will take a roll call vote or a vote by show of hands. Also, to ensure an accurate record of voting, tThe Secretary may take either on his/her own initiative.

C. ~~It is the responsibility of each member of the Planning Commission to vote when requested on a matter before the full Commission. However, a member may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.~~

D. A member may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness. If any member of the Planning Commission wishes to abstain, or has disclosed a conflict of interest and must abstain from a vote ~~on the motion~~, that member shall so advise the Chair~~Commission~~, and, ~~if there is no objection to the abstention~~, shall ~~physically~~ remove and absent himself/herself from the ~~meeting/hearing, all~~ deliberations, and considerations of the ~~motion~~matter, and shall have no further participation in the matter. The member should make this determination~~Such advice shall be given~~ prior to any discussion or participation on the subject matter or as soon thereafter as the member perceives a need to abstain. A, ~~provided that, prior to the time that a member gives advice of an intent to abstain from an issue, the member shall~~may confer with the City Attorney to determine if the member is required to abstain~~basis for the member's intended abstention conforms to the requirements hereof~~.

If the intended abstention can be anticipated in advance, ~~the~~any conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the

Planning Commission. If that cannot be done, the member should advise the Chair that he/she has an "abstention question" that he/she ~~would-wants~~ to review with the City Attorney, in which case, the Chair shall call a brief recess ~~would be afforded the member~~ for that purpose before proceeding further.

- E. If a tie vote exists, after recording the Chair's vote, the motion fails. However, a motion for denial that fails on a tie vote shall not be considered an approval.
- F. No member may participate in any decision if the member had not reviewed the staff reports and testimony presented at the hearing on the matter. Such member may, however, listen to the recording of the hearing in order to satisfy this requirement.

11. Continuing an Item:

If the Commission wishes to continue a public hearing item, the Chair should open the public hearing, solicit testimony, and request a motion from the Commission to continue the public hearing item to a time, place, and date certain. If any matter is tabled or postponed without establishing a date, time, and place certain, the matter shall be scheduled for a hearing pursuant to Auburn City Code (ACC) Section 18.68.040 before the matter may be considered again.

12. Findings of Fact:

The Commission should adopt findings of fact and conclusions for actions taken involving public hearing items. The findings and conclusions may be approved by any one of the following methods:

- A. The Commission may adopt in whole, in part, or with amendments, the written findings prepared by staff. Motions to approve the staff recommendations shall be deemed to incorporate such findings and conclusions unless otherwise indicated. Such findings and conclusions do not have to be read in order to be deemed a part of the record.
- B. The motion to take action may adopt oral finding of fact statements made by Commission members or staff during the hearing or deliberation.
- C. The motion to take an action may direct that additional written findings and conclusions be developed based on the hearing and deliberation of the Commission.

- D. Findings and conclusions may be approved or amended at any time by the Planning Commission, but all such actions shall be based on the record of the matter at hand.

13. Order of Hearings:

Normally the order of hearings shall be as published in the agenda. However, the Chair in order to avoid unnecessary inconvenience to people wishing to testify, or the late arrival of a proponent, may change the order as may be necessary to facilitate the meeting. If the proponent does not appear at the public hearing, the Planning Commission may continue the public hearing until the next meeting in order to ensure adequate consideration of the proposal. However, in such case the Chair shall take whatever testimony that may be given before accepting a motion to continue pursuant to Section (8).

XI. CONDUCT:

1. These rules are intended to promote an orderly system of holding public meetings and public hearings.
2. Any person who causes a disruption by making personal, impertinent or slanderous remarks or noises, by using speech intended to incite fear of violence, by failing to comply with the allotted time established for the individual speaker's public comment, by yelling or screaming in a manner that prevents the Commission from conducting the meeting, or by other disruptive conduct while addressing the Commission at a public hearing may be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Commission.
3. No comments shall be made from any other location other than the podium, lectern or table set up for people to address the Commission at a public hearing, unless approved in advance by the Chair, and anyone making irrelevant, distracting, or offensive comments or noises that are disruptive may be subject to removal from the meeting.
4. Demonstrations, disruptive applause, other disruptive behavior, or ~~other audience participation interruption~~ during ~~or at the conclusion of~~ anyone's presentation are prohibited. It is distracting to the Commission, the audience, and persons testifying.

XII. CONFLICT OF INTEREST:

1. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would tend to prejudice his or her actions shall publicly indicate, step down and leave

the meeting room until the matter is disposed. A member need only be excused from legislative or organizational action if the potential conflict of interest is direct and substantial.

- A. No member of the Planning Commission may use his or her position to secure special privileges or exemptions for himself, herself, or others.
- B. No member of the Planning Commission may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
- C. No member of the Planning Commission may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
- D. No member of the Planning Commission may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.
- E. No member of the Planning Commission may take any action that is prohibited by Chapter 42.23 RCW or any other statutes identifying conflicts of interest.

2. Appearance of Fairness:

Commission members shall strive to follow, in good faith, the Appearance of Fairness Doctrine as established under Washington State Law as it applies to quasi-judicial decisions (RCW 42.36) even for legislative actions before the Commission. The doctrine includes but is not limited to the following:

- A. Members shall avoid communicating in respect to any proposal with any interested parties, other than staff, outside of public hearings. Written communication from an interested party to a member may be permitted provided that such communication is made part of the record.
- B. Members shall avoid drawing conclusions regarding decisions until after the public hearing is closed.

- C. Members shall avoid participating in decisions which affect their or any family member's property, personal or business interest, or organization.
- D. Members shall avoid participating in decisions in which a preconceived bias or conclusion has been formed in the mind of the member prior to the hearing.
- E. If any concern relating to Items A1 through D4 should arise, the affected member shall declare at the start of the public hearing on the matter, the extent of such concern and whether the member's decision has been influenced. If the member has been influenced, or if the extent of the concern is significant, the member shall be excused by the Chair from the meeting room and his vote recorded as an abstention.

If, under these rules, a quorum would be excused from the meeting, the Chair in order to establish a quorum, shall under the rule of necessity, permit sufficient members (beginning with those who are least affected by these rules) to participate in the decision.

These rules are intended to be consistent with RCW 42.36. In the case of any conflict, RCW 42.36 or applicable case law shall govern.

XIII. AMENDMENT:

The Rules of Procedure may be amended at any regular meeting of the Commission by a majority vote of the entire membership. The proposed amendment should be presented in writing at a preceding regular meeting.