



City of Pacific
PLANNING COMMISSION MEETING
Tuesday, July 28, 2020
6:00 p.m. at Pacific City Hall

1. Call to Order

- A. *Flag Salute*
- B. *Roll Call*

2. Approval of Agenda

Approval of July 28, 2020 Planning Commission Agenda

3. Approval of Minutes – June 23, 2020 Planning Commission Meeting

4. Audience Participation

*Members of the audience who wish to speak on matters not on the agenda:
Please state your name and address for the record and limit your comments to 3 minutes*

Public Hearings

- 1. Minor Code Amendments – PMC 20.32.025, 20.50.030, 20.56.030 & 20.68.170 – Billboards and Sewage Treatment Plants
- 2. Minor Code Amendments – PMC 20.68.160 Performance Standards
- 3. New Chapter 13.26 Complete Streets

New Business

- 1. Revisions to Chapter 23.40 Flood Control

Adjournment

The next regularly scheduled Planning Commission Meeting will be Tuesday, August 25, 2020 at 6:00 p.m.

Citizens are welcomed and encouraged to attend this meeting, and to present oral or written comments. The City of Pacific does not discriminate on the basis of disabilities. If you need special accommodations, or have any questions about items on this agenda, please contact the Community Development Department at (253) 929-1110. American Disabilities Act accommodations will be provided upon request.

PACIFIC PLANNING COMMISSION

Meeting Minutes of June 23, 2020

Call to Order

Chairman Gratz called the Regular Meeting to order at 6:06 PM and led the flag salute.

Attendance

Commissioners Present: DuWayne Gratz, John Welch Jr, Wynette McCracken and John Boyd

Commissioners Absent: Don Blackwell.

Commissioner John Welch Jr. moved to excuse Commissioner Don Blackwell seconded by Commissioner Wynette McCracken; motion carried unanimously

City Staff Present: Community Development Manager Jack Dodge

Approval of Agenda

Commissioner John Boyd moved to approve the agenda as presented, seconded by Commissioner Wynette McCracken; motion carried unanimously.

Approval of Planning Commission Minutes

Commissioner John Welch Jr moved to approve the February 25, 2020 Regular Meeting minutes as presented, seconded by Commissioner Wynette McCracken; motion carried unanimously.

Audience Participation

There was none.

Old Business

Minor Code Amendments – PMC 20.32.025, 20.50.030, 20.56.030 & 20.68.170

Jack stated that the current code has regulations that prohibit new billboards being built in the City. There are also regulations that don't allow sewage treatment facilities. However not all portions of the zoning code have those changes. Updating these codes will make the PMC consistent.

Staff recommendation is to hold a Public Hearing on the July 28th Planning Commission Meeting.

Commissioner John Boyd made a motion to have a Public Hearing on July 28, 2020. Seconded by Commissioner John Welch Jr; motion carried unanimously.

Minor Code Amendments – PMC 20.68.160 Performance Standards

Jack stated that this code change is related to sewer treatment facilities. To avoid lawsuits, it's in the Cities best interest to make changes in the language relating to Code 20.68.160.

Staff recommendation is to hold a Public Hearing on the July 28th Planning Commission Meeting.

Commissioner Wynette McCracken made a motion to have a Public Hearing on July 28, 2020. Seconded by Commissioner John Welch Jr; motion carried unanimously.

New Business

No items

Upcoming

No items

Next Meeting

The next meeting will be held on July 28th via Zoom.

Adjournment

Motion to adjourn made by commissioner John Welch Jr, seconded by Commissioner Wynette McCracken; motion carried unanimously. The meeting was adjourned at 6:21 p.m.

Minutes prepared by Nicole Schunke, Administrative Assistant

Approved _____
Date

Planning Commission Chairperson
DuWayne Gratz



TO: Planning Commission

FROM: Jack Dodge, Community Development Manager

MEETING DATE: July 28, 2020

SUBJECT: Minor Code Amendments – PMC 20.32.025, 20.50.030, 20.56.030 & 20.68.170

ATTACHMENTS:

1. Revisions to PMC 20.32.025, 20.50.030, 20.56.030 & 20.68.170 – Billboards & Sewage Treatment Facilities

Previous Review Date/s: 2/25/2020, 6/23/2020

Summary:

Under the new Sign Code, new billboards are prohibited in the City. Under PMC Sections 20.32.025 and 20.56.030 billboards could still be allowed under a Conditional Use Permit (CUP). The proposed amendments would delete these references.

Due to the impacts to adjacent properties, the City is removing any reference to the allowance of “sewage treatment facilities” from the Zoning Code as a use. Staff has determined that “sewage treatment facilities” are not compatible with other uses in the City. Chapter 20.60 has already been amended to remove this use. The proposed code amendments would delete this use from the rest of the zoning code.

Recommended Action:

Open the public hearing for public comment.

Recommended Motion:

I move that the Planning Commission recommend to the City Council to approve the proposed revisions to PMC 20.32.025, 20.50.030, 20.56.030 & 20.68.170 – Billboards & Sewage Treatment Facilities as provided in Attachment 1 to the agenda bill.

20.32.025 Matrix of permitted and conditional uses. (Districts Established)

The matrix set forth below summarizes the permitted and conditional uses for the commercial districts of Chapters [20.52](#) (neighborhood business), [20.54](#) (office park), [20.56](#) (commercial), [20.58](#) (highway commercial), [20.60](#) (light industrial) and [20.64](#) (heavy industrial) PMC. The provisions of these chapters shall control over inconsistent parts of the matrix. For purposes of the matrix, the following acronyms shall refer to the following terms:

- OP Office Park
- NB Neighborhood Business
- LI Light Industrial
- HI Heavy Industrial
- C Commercial
- A Agriculture
- HC Highway Commercial
- P Permitted (where no number is present, all levels of the use type are allowed)
- C Requires conditional use permit
- G Grandfathered
- NOS No outdoor storage
- Number Refers to level of use type allowed (see Chapter [20.06](#) PMC for descriptions of levels of uses)

USE CATEGORIES AND TYPES	OP	LI	C	HC	NB	HI
Residential Use Category						
Duplex						
Fraternity and sorority house						
Group home						
Mobile home park						
Multifamily housing						
Nursing home						
Senior housing						
Civic Use Category						
Administrative and government facilities and services	P	P	P	P	P	
Day-care centers	P	P	P	P	P	

USE CATEGORIES AND TYPES	OP	LI	C	HC	NB	HI
Community and cultural services	C	C	P	P	P	
Educational facilities	C	C	C	C	C	
Health services	P	P	P	P	P	
Postal services	P	P	P	P	P	
Recreation, nonprofit	P1, 4	P1, 4	C4	C4	C4	
Religious assembly	C	C	C	C	C	
Public safety services	P1, 2	P1, 2; C3	P1, 2	P1	C1	
Transportation		P1; C2, 3	P1; C2, 3	P1; C2, 3	P1; C2, 3	
Utilities or public maintenance facilities	C1	P1, 2	P1; C2	P1; C2	C1, 2	
Utilities Use Category						
Communication or cellular facilities	P	P; C1, 2, 3	P1, 2	P1, 2	C1, 2	
Electrical facilities	C	C	C	C	C	
Electrical generation facilities						
Natural gas facilities		P1, 3	P1, 3	P1, 3	P1	
Organic waste processing facilities						
Pipelines	P	P	P	P	P	
Sewage collection facilities	P	P	P	C	P	
Sewage treatment facilities	-	C	C	C	C	
Stormwater facilities	P	P	P	P	P	
Waste disposal facilities						
Waste transfer facilities		P1; C2	P1; C2		P1; C2	
Water supply facilities	P1; C2	P	P1	P1	P1	
Office/Business Use Category						
Administrative and professional offices	P	P	P	P	C	
Educational services	C	C	P	P	C	
Resource Use Category						
Agricultural sales			P	P	P1	
Agricultural services	C	P	P	C		

USE CATEGORIES AND TYPES	OP	LI	C	HC	NB	HI
Animal production, boarding and slaughtering		C1	C1			
Crop production	C1	P2	P	P2		
Fish hatcheries and aquaculture		C	C			
Forestry		P1; C2	P1; C2	P1		
Mineral extraction						
Commercial Use Category						
Adult business			C			
Amusement and recreation			P1, 2	P1, 2		P1, 2
Billboards		C	C			
Building materials and garden supplies		P	P	P	P1	
Bulk fuel dealers		C	C			
Business services	P	P	P	P	P	
Buy-back recycling center		P	P	C		
Commercial centers		C	P	C		
Eating and drinking establishment	P	P	P	P		
Food stores	P1; C2	P1, 2	P	P	P1	
Lodging			P1, 2	P2		
Mobile, manufactured and modular homes and office sales		P	P	C		
Motor vehicles and related equipment sales/rental/repair and services		P	P	P1, 2		
Personal services	C1	C	P	P	C1	
Storage	C	P	P			
Pet sales and services	P1	P1	P	P	C	
Rental and repair services		P	P	P	C1	
Sales of general merchandise		P	P	P	P1	
Swap meet (PMC 20.06.080 , sales of general merchandise)		C	P1; C2, 3	C		
Wholesale trade	P1	P	P		C1	
Industrial Use Category						
Basic manufacturing		C3, 5	C3, 5			P

USE CATEGORIES AND TYPES	OP	LI	C	HC	NB	HI
Contractor yards		P	P			P
Food and related products		C	P	C		P
Industrial services and repair		P1	P1	C1		P
Intermediate manufacturing and intermediate/final assembly (See PMC 20.06.110)						
Motion picture/television and radio production studios	C	P	P	P	C	P
Off-site hazardous waste treatment and storage facilities						C
Printing, publishing and related industries	P1	P1, 2	P1	P1		C
Recycling processor		P1; C2				P
Salvage yards/vehicle storage facilities						C
Warehousing, distribution and freight movement	P1	P	P			P

(Ord. 1980 § 2, 2018; Ord. 1828 § 4, 2012; Ord. 1782 §§ 1, 2, 2010; Ord. 1780 § 4, 2010; Ord. 1379 § 1, 1998; Ord. 1361 § 2, 1998).

20.50.030 Conditional uses. (Neighborhood Center Zone)

In addition to the buildings and uses permitted conditionally in PMC [20.68.170](#), the city may grant a conditional use permit for any of the following buildings and uses in accordance with the procedures set forth in Chapter [20.20](#) PMC:

- A. Administrative and professional offices;
- B. Communication or cellular facilities (levels 1 and 2);
- C. Electrical facilities;
- D. Educational facilities;
- E. Educational services;
- F. Motion picture/television and radio production studios;
- G. Personal services (level 1);
- H. Pet sales and services;
- I. Public safety services (level 1);
- J. Recreation, nonprofit (level 4);

K. Religious assembly;

L. Rental and repair services (level 1);

M. Transportation (levels 2 and 3);

N. Utility or public maintenance facilities (levels 1 and 2);

~~O. Local sewage treatment facility to serve properties in the NC overlay district;~~

~~P. O.~~ Wholesale trade (level 1); and

Q. Any other buildings or uses determined to be similar to those listed in PMC [20.52.020](#). Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood areas than the specifically permitted buildings and uses. (Ord. 1795 § 1, 2011).

20.56.030 Conditional uses. (Commercial Zone)

In addition to the buildings and uses permitted conditionally in PMC [20.68.170](#), the city may grant a conditional use permit (CUP) for any of the following buildings and uses in accordance with the procedures set forth in Chapter [20.20](#) PMC:

A. Adult entertainment businesses, in the area west of State Route 167, south of the King/Pierce County line, east of West Valley Highway and north of 8th Street East;

B. Animal production, boarding, slaughtering (level 1);

C. Basic manufacturing (categories 3, 5);

~~D. Billboards;~~

~~E. D~~ Bulk fuel dealers;

~~F. E~~ Electrical facilities;

~~G. F~~ Educational facilities;

~~H. G~~ Fish hatcheries and aquaculture;

~~I. H~~ Forestry (level 2);

~~J. I~~ Intermediate manufacturing and intermediate/final assembly in accordance with PMC [20.06.110](#);

~~K. J~~ Public safety services (level 3);

E. K Recreation, nonprofit (level 4);

M. L Religious assembly;

N. Sewage treatment facilities;

O. M Swap meet (levels 2 and 3);

P. N Transportation (levels 2 and 3);

Q. O Utility or public maintenance facilities (level 2);

R. P Waste transfer facilities (level 2); and

S. Any other buildings or uses determined to be similar to those listed in PMC 20.56.020. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood areas than the specifically permitted buildings and uses. (Ord. 1780 § 5, 2010; Ord. 1505 § 11, 2001; Ord. 1379 § 2, 1998; Ord. 1361 § 5, 1998; Ord. 1170 § 6, 1992; Ord. 485 § 8.03, 1971).

20.68.170 Uses subject to conditional use permit in any district.

The following uses shall require a conditional use permit issued at a public hearing in accordance with Chapter [16.26](#) PMC, before the location and operation thereof is permitted:

A. Airports and landing fields;

B. Amusement parks;

C. Carnivals and circuses, if established for more than two weeks, except those in conjunction with a county fair or other outdoor governmentally sponsored event;

D. Cemeteries;

E. Facilities for the care and/or lodging of alcoholics;

F. Garbage dumps, sanitary landfills;

G. Heliports and helistops;

H. Jails or penal farms;

I. Mental hospitals;

J. Pound, dog or cat;

K. Racetracks, including dragstrips and go-cart tracks;

~~L. Sewage treatment plants.~~

Where a use is not authorized or where ambiguity exists concerning the appropriate classification or procedure for the establishment of a particular use or type of development within the meaning and intent of this section, the use or type of development may be established by conditional use permit in accordance with the provisions of Chapter [20.20](#) PMC, until such time as this section is amended. (Ord. 485 § 11.06, 1971).

DRAFT



TO: Planning Commission

FROM: Jack Dodge, Community Development Manager

MEETING DATE: July 28, 2020

SUBJECT: Minor Code Amendments – PMC 20.68.160 Performance Standards

ATTACHMENTS:

- 1. Revisions to PMC 20.68.160 Performance Standards**

Previous Review Date/s: 2/25/2020, 6/23/2020

Summary:

Section 20.68.160 of the Pacific Municipal Code (PMC) lists performance standards applicable to development and land use within the City. Under standard E under 20.68.160, obnoxious odors of any kind are not permitted nor the emission of corrosive fumes or gases. Enforcement of this standard can be time consuming and expensive to the City.

Typically, the Puget Sound Clean Air Agency (PSCAA) is the regulatory agency that regulates industries that emit odor or noxious gases. Businesses that are required to control their odors (such as sewage treatment facilities) must obtain a permit from the Puget Sound Clean Air Agency (PSCAA), which limits the amount and strength of odor that may be release. The proposed code change recognizes that the PSCAA would be the responsible agency for enforcing any odor control permits issue by the agency. The City may still enforce the requirements of an odor control permit issued by PSCAA in conjunction with PSCAA.

Recommended Action:

Open the public hearing for public comment.

Recommended Motion:

I move that the Planning Commission recommend to the City Council to approve the proposed revisions to PMC 20.68.160 Performance Standards as provided in Attachment 1 to the agenda bill.

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2020-xxxx

AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO REGULATION OF ODORS, AMENDING PACIFIC MUNICIPAL CODE SECTION 20.68.160; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pacific adopted regulations for odorous substances and air contaminants that are likely to be injurious to public health, or which unreasonably interferes with enjoyment of life and property at Title 20 of the Pacific Municipal Code; and

WHEREAS, the legislature, at RCW 70.94.011, has declared that it is “public policy to preserve, protect, and enhance the air quality for current and future generations,” and “[i]mproving air quality is a matter of statewide concern and is in the public interest”; and

WHEREAS, to that end, the legislature created air pollution control authorities in each county of the state, and by statutes, including the *Clean Air Act*, RCW 70.94, those local clean air authorities are provided with very broad powers; and

WHEREAS, in addition, the legislature has granted to the Department of Ecology and local authorities, including the Puget Sound Clean Air Agency (“PSCAA”), the power to enact emission standards that deal specifically with odors, and to assess civil penalties to individuals and companies who violate the *Clean Air Act* or the Agency’s regulations; and

WHEREAS, the PSCAA has the resources and expertise to issue permits for necessary discharge of odors subject to Clean Air Act, and to prosecute violations of that permit and the Agency’s rules and regulations; and

WHEREAS, the City Council seeks to defer to the PSCAA’s expertise where an odor is discharged pursuant to and in compliance with a permit issued by PSCAA; and

WHEREAS, the Planning Commission considered this Ordinance on ____ and held a public hearing seeking input from citizens on this Ordinance on _____; and

WHEREAS, the City Council considered this Ordinance in its first reading of the Ordinance during a regular City Council meeting on January __, 2020; and

WHEREAS, the City Council considered this Ordinance in its second reading of the Ordinance during a regular City Council meeting on February __, 2020; and

WHEREAS, the City Council finds that this Ordinance is consistent with the City's regulations and ordinances, and is in the best interests of the citizens of Pacific;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings and Recitals. The findings and recitals set forth above are hereby adopted and incorporated herein by this reference.

Section 2. Section 20.68.160 of the Pacific Municipal Code is hereby amended to read as follows:

PMC 20.68.160 Performance standards.

Any dissemination incident to a permitted use shall comply with the standards established in this section:

A. The noise emanating from premises used for industrial activities shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness, and where an industrial use adjoins a residential district, the noise loudness measured at the boundary line shall not exceed 40 decibels between the hours of 11:30 p.m. and 6:00 a.m. and 60 decibels at other hours.

B. Industrial and exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. Arc welding, acetylene torchcutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.

C. In terms of fire and safety hazards, the storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with rules and regulations falling under the jurisdiction of the city fire chief, the laws of the state and other local ordinances: Bulk storage of inflammable liquids below ground shall be permitted, and the tank shall be located not closer to the property line than the greatest dimension (diameter, length or height) of the tank.

D. Provisions must be made for necessary shielding or other preventative measures against interferences occasioned by mechanical, electrical, electronic and nuclear equipment, uses, or processes with electrical apparatus in nearby buildings or land uses.

E. The emission of obnoxious odors of any kind shall not be permitted nor the emission of any toxic or corrosive fumes or gases; provided that the emission of odors pursuant to and in compliance with a permit or similar approval issued by the Puget Sound Clean Air Agency (PSCAA) shall be allowed and shall be subject to the concurrent jurisdiction of the City and the PSCAA. Any odor complaint received by the City relating to an entity with a permit or similar approval by the PSCAA shall be

referred to the PSCAA for investigation. PSCAA shall be responsible for investigating the complaint. The City may participate in the investigation of the complaint in coordination with PSCAA. In the case of City participation, PSCAA shall be the lead agency and shall make the final decision regarding an odor complaint. Dust created by an industrial operation shall not be exhausted or wasted into the air.

F. The emission of smoke or particulate matter of a density equal to or greater than number 3 on the Ringlemann Chart as currently published and used by the U.S. Bureau of Mines is prohibited at all times.

Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by appropriate landscaping, paving, oiling or other acceptable means. Emission of particulate matter in excess of 0.2 grain per cubic foot of conveying gas or air measured at any property line is prohibited.

G. Smoke Emission Rates. The rate of emission of particulate matter from all sources on any property shall not exceed a net weight of one pound per acre of property during any one hour.

H. Liquid and solid wastes, storage of animal or vegetable waste which attract insects or rodents or otherwise create a health hazard, shall be prohibited. No waste products shall be exposed to view from eye level from any property line.

I. Open Storage. All storage shall be located within an area not closer than 20 feet from the street right-of-way line and shall be enclosed with a heavy wire fence or of a similar type, with the top of the fence not less than six feet above the adjoining street level, or by an attractive hedge or board fence at least six feet high.

In case of the open storage of lumber, coal, or other combustible material, a roadway shall be provided, graded, surfaced and maintained from the street to the rear of the property, to permit free access of fire trucks at any time.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Pacific this ___ day of ____, 2020.

Leanne Guier
Mayor

AUTHENTICATED:

City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Kinnon Williams, City Attorney

PUBLISHED:
EFFECTIVE DATE:

DRAFT



TO: Planning Commission
FROM: Jack Dodge, Community Development Manager
MEETING DATE: July 28, 2020
SUBJECT: New Chapter 13.26 – Complete Streets

ATTACHMENTS:

1. Draft Chapter 13.26 – Complete Streets

Previous Review Date/s: 1/28/2020, 2/25/2020

Summary:

The Planning Commission reviewed proposed “Complete Street” policies at their January 28, 2020 and February 25, 2020 meetings. The policies have been incorporated into a new Chapter 13.26 to the Pacific Municipal Code (PMC) for further review.

Recommended Action:

Open the public hearing for public comment.

Recommended Motion:

Option 1

Close the public hearing and continue discussion at the August 25, 2020 Planning Commission meeting.

Option 2

Send the proposed Complete Streets Chapter 13.26 to the City Council for approval.
I move that the Planning Commission recommend to the City Council to approve the proposed complete streets policies, Chapter 13.26, as provided in Attachment 1 to the agenda bill.

Chapter 13.26 - Complete Streets City of Pacific

13.26.010 PURPOSE:

The purpose of this policy is to establish guiding goals, principles, and practices that will empower and direct Pacific residents, elected officials, planners, and engineers to use an interdisciplinary approach in the creation of a connected network of completed streets that will result in access, mobility and healthier choices of travel for users of all ages and abilities.

13.26.020 DEFINITIONS:

"Complete Street" means a thoroughfare that is designed to safely accommodate a context-sensitive modal choice for the movement of all travelers regardless of their age or ability.

13.26.030 OBJECTIVES:

A. Transportation Projects

Transportation projects within the City of Pacific shall be designed, prioritized, constructed, retrofitted, operated, and maintained in a manner that advances the following complete streets network objectives:

1. Involves local citizens and stakeholders in the planning and design process;
2. Empowers citizens to choose a mode of travel best suited to their needs and capabilities;
3. Meets the safety and convenience needs of all transportation system users including, but not limited to:
 - a. Pedestrians
 - b. bicyclists
 - c. transit riders
 - d. motorists
 - e. commercial users
 - f. emergency responders
 - g. adjacent land owners as well as those who require special accommodations such as people with disabilities, the elderly, and school-age children
4. Establishes an integrated, efficient, and connected transportation network that

supports compact, sustainable urban development;

5. Promotes a healthy community by encouraging walking, bicycling, and use of public transportation;
6. Integrates the provision of appropriate street trees in suitable planting conditions and locations as primary Complete Street design elements;
7. Provides for the physical comfort and enjoyment of all travelers through the provision of streetscape amenities where appropriate such as:
 - a. planting areas
 - b. furniture
 - c. dedicated travel and parking lanes
 - d. and medians;

Special attention should be given to the aesthetic details that enhance the traveler's experience such as:

- e. decorative lighting
 - f. poles
 - g. decorative pavers
 - h. public art
 - i. the undergrounding of utilities;
8. Protects the environment by providing safe alternatives to single-occupancy driving thereby reducing congestion, carbon dioxide emissions, and dependence on fossil fuels and other energy sources; and
 9. Utilizes sustainable approaches that consider interrelated social, environmental, and economic benefits.

13.26.040 PROCEDURES:

A. Transportation Projects

The planning and design of new construction and reconstruction/retrofit of thoroughfares should be consistent with the Complete Streets approach. This approach should be supportive of the character and context of local neighborhoods, commercial and recreational centers, land use, and safe routes to school. The approach should recognize that transportation needs vary and must be balanced in a flexible, safe, and cost-effective manner to create a connected network serving several modal choices. Maintenance and

rehabilitation projects on transportation facilities shall be evaluated for opportunities to apply a Complete Streets approach and further connect City-wide networks. Consistent with a Complete Streets approach, modal choices shall be maintained during construction and rehabilitation projects to the maximum extent feasible.

B. Cooperation

Public, private, and non-profit organizations should be encouraged by the City to cooperate and promote complete streets principles and practices as part of planning, design, education, and project implementation.

The City will seek to enhance cooperation and coordination with WSDOT, the Department of Health and local advocacy groups for active transportation in the design and implementation of Complete Streets projects to build the City's network. A cross-departmental approach to Complete Streets projects, including Public Works, Planning, Operations and the City Manager's Office, as well as outside state agencies involved with transportation projects, will be maintained to ensure that projects and initiatives to advance the network are coordinated.

C. Facilities

Transportation facilities that support the concept of complete streets include, but are not limited to:

- pavement markings and signs
- street and sidewalk lighting
- sidewalk and pedestrian safety improvements
- Americans with Disabilities Act (ADA)
- school-aged children accommodation
- transit accommodations
- bicycle accommodations including appropriate signage and markings
- sustainability and environmental improvement
- streetscapes that appeal to and promote safe multi-modal use

Complete street components, which can often be implemented as low-cost project additions (such as bicycle channelization), should be considered as part of public Infrastructure and roadway planning and construction, maintenance and rehabilitation projects.

D. Development Plans, Code, and Standards

Complete Streets designs shall follow the guidelines and standards of documents such as the FHWA Street Small Town and Rural Multimodal Network guide, NACTO's Urban Design Guide and Bikeway Design Guide, WSDOT (including Practical Design) and AASHTO design manuals, in addition to best practices for multimodal transportation engineering. Design flexibility shall be part of the approach to Complete Streets to ensure context sensitive projects.

Comprehensive Plan, Pacific Municipal Code, and Public Works Development Design Standard updates will be updated to address complete streets implementation as it relates to private and public development. Future updates to these standards will include the latest best practices for Complete Streets implementation.

E. Public Works Manager

Exceptions to this policy may be determined by the Public Work Manager under the circumstances listed below:

1. Street projects may exclude those elements of this policy that would require the accommodation of street requirements prohibited by law or waived by judicial or quasi-judicial review;
2. Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity;
3. Bicycle lane installation may be omitted in locations not identified on the adopted Bicycle Route Map; and
4. Trail installation may be omitted in locations not identified on the adopted Trail System Map.

F. City Administration

Exceptions to this policy may be determined by City Administration upon recommendation by the Public Works Manager under the circumstances listed below:

1. Street reconstruction projects and maintenance paving projects which involve widening pavement may exclude elements of this policy when the accommodation of a specific use is expected to:
 - a. Require more space than is physically available, or
 - b. Be located where both current and future demand is proven absent, or
 - c. Substantially increase project costs and equivalent alternatives exist within close

- proximity, or
- d. Have adverse impacts on environmental resources such as streams, wetlands, steep slopes, floodplains, or on historic structures or sites above and beyond the impacts of currently existing infrastructure.

13.26.050 PERFORMANCE MEASURES:

The Public Works department shall evaluate the success of this Complete Streets policy through yearly public reports to the City Council, including the following elements:

- A. Identifying the projects, public and private, which have expanded the City's network and documenting the linear footage increase of pedestrian and bicycle facilities, and the comfort level of those facilities, added in the previous year.
- B. Working with the Department of Health to identify public health statistics which relate to the presence of active transportation networks and include trends in those measures in this report to track the impact of Complete Streets on public health.
- C. Identifying number of documented exceptions to the policy in the previous year.

(AASHTO) - American Association of State Highway and Transportation Officials

(FHWA) - Federal Highway Administration

(NACTO) - National Association of City Transportation Officials

(WSDOT) - Washington State Department of Transportation



TO: Planning Commission

FROM: Jack Dodge, Community Development Manager

MEETING DATE: July 28, 2020

SUBJECT: Chapter 23.40 Flood Control – Revision to Meet Federal Requirements

ATTACHMENTS:

1. Proposed Revisions to Chapter 23.40 Flood Control
2. Updated Flood Insurance Rate Maps (FIRM)
3. Interim Ordinance Approved by the City Council
4. FEMA Letter of May 15, 2020

Previous Review Date/s: None

Summary:

The Federal Emergency Management Agency (FEMA) has recently updated its Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMS) for King County and the City of Pacific. The updates to the FIRMS also included updated federal regulations for flood control permitting. These changes will become effective on August 19, 2020.

The City currently participates in the National Flood Insurance Rate Program (NFIP). This program provides low cost flood insurance to residents and businesses within the 100 year flood plain. Flood control permitting is administered through Chapter 23.40 of the Pacific Municipal Code (PMC). To continue to participate in the NFIP, the City must adopt the updated regulations and map by August 19, 2020. If the City does not adopt the updates by August 19, 2020, the City will be dropped from the NFIP until the City adopts the changes.

The Planning Commission under Section 2.36.010 of the Pacific Municipal Code (PMC), must review all revisions to the City's development regulations. The Planning Commission then makes a recommendation to the City Council to either approve or deny the proposed changes. The Flood Control regulations are development regulations requiring Planning Commission review.

Due to the deadline date to adopt revised regulations by August 19, 2020, the City Council adopted an interim ordinance for the revised regulations to meet the deadline date. The interim ordinance is effective for six (6) months. This allows the Planning Commission time to review the draft revisions and forward a recommendation back to the City Council. From the date of adoption of the Interim regulations, a public hearing is required within 60 days of the adoption. Therefore, the Planning Commission will need to conduct a public hearing regarding the revisions at its August 25, 2020 meeting.

Summary of Major Changes

1. The following new Sections are added to Chapter 23.40.

- 23.40.113 Severability**
- 23.40.115 Establishment of Development Permit**
- 23.40.117 Designation of the Floodplain Administrator**
- 23.40.180 Variances**
- 23.40.190 Acronyms**

2. Summary – Revisions to Sections

23.40.050 Definitions

The following new definitions are added.

- Building
- Flood elevation study
- Floodplain or flood prone area
- Floodplain Administrator
- Floodplain Management regulations
- Flood proofing
- Functionally dependent use
- Highest adjacent grade
- Historic Structure
- Mean sea level
- New construction
- Regulatory floodway
- Violation
- Water Surface Elevation

The following definitions were revised.

- Appeal
- Area of shallow flooding
- Area of special flood hazard
- Flood or flooding
- Flood insurance study

23.40.120 Duties and responsibilities of the director

- C. Expanded the information to be obtained and maintained
- D. Added additional criteria in the alteration of watercourses.
- F. Added new sub-section – Review of Building Permits
- G. Added new sub-section – Changes to Special Flood Hazard Areas

23.40.130 Provisions for flood hazard reduction

- A. Anchoring requirements revised
- C. Sub-section C Storage of Materials and Equipment added
- D. Revised

23.40.140 Specific Standards

- A. Standards for Residential construction has changed
- F. Enclosed Area below the Lowest Floor – New construction requirement added.
- G. Appurtenant Structures (Detached Garages & Small Storage Structures – New sub-section added
- H. All Crawlspace Construction – New sub-section added
- I. Below-Grade Crawlspace – New sub-section added

23.40.150 Floodways

- D. Substantially Damaged Residences in Floodway – New sub-section added.

Recommended Action:

Begin discussion regarding the draft code amendments.

Recommended Motion:

Set a public hearing regarding the revisions to Chapter 23.40 Flood Control for the August 25, 2020 Planning Commission meeting.

Chapter 23.40 FLOOD CONTROL

Sections:

- 23.40.010** Statutory authorization.
- 23.40.020** Findings of fact.
- 23.40.030** Statement of purpose.
- 23.40.040** Methods of reducing flood losses.
- 23.40.050** Definitions.
- 23.40.060** Lands to which this chapter applies.
- 23.40.070** Basis for establishing the areas of special flood hazard.
- 23.40.080** Penalties for noncompliance.
- 23.40.090** Abrogation and greater restrictions.
- 23.40.100** Interpretation.
- 23.40.110** Warning and disclaimer of liability.
- 23.40.113** **Severability**
- 23.40.115** **Establishment of Development Permit**
- 23.40.117** **Designation of the Floodplain Administrator**
- 23.40.120** Duties and responsibilities of the director.
- 23.40.130** Provisions for flood hazard reduction.
- 23.40.140** Specific standards.
- 23.40.150** Floodways.
- 23.40.160** Encroachments.
- 23.40.170** Standards for shallow flooding areas (AO zones).
- 23.40.180** **Variances**
- 23.40.190** **Acronyms**

23.40.010 Statutory authorization.

The Legislature of the state of Washington has delegated the responsibility to local governmental units to adopt **floodplain management** regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. 1639 § 1, 2006).

23.40.020 Findings of fact.

A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses ~~are~~ may be caused by the cumulative effect of obstructions in ~~areas of special~~ flood hazard areas which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. 1639 § 1, 2006).

23.40.030 Statement of purpose.

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

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly 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;
- E. To 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;
- F. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas ~~of special 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; and~~ Notify potential buyers that the property is in a Special Flood Hazard Area;
- H. ~~To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and~~
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

(Ord. 1639 § 1, 2006).

23.40.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- 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;

- 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 flood waters;
- D. Controlling filling, grading, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. (Ord. 1639 § 1, 2006).

23.40.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

A. **"Appeal"** ~~means a request for a review of the mayor's interpretation of any provision of this chapter. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.~~

B. **"Area of shallow flooding"** ~~means a designated AO, or AH, AR/AO or AR/AH (or VO) zone on the 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. The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.~~

C. **"Area of special flood hazard"** ~~means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. 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".~~

D. **"Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year. "Base flood" is also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

E. **"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.

F. **“Breakaway wall”** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

G. Building. See "Structure."

G H. “Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

H I. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

I J. “Elevated building” means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

J K. “Existing manufactured home park or subdivision” means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

K L. “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads).

L M. “Flood” or “flooding” ~~means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters; and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source.~~

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. 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.

2. 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 (a)(1) of this definition.

N. "Flood elevation study" 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.

M O. "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

N P. "Flood insurance study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood. See "Flood elevation study".

Q. Floodplain or flood prone area. Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

R. Floodplain administrator. The community official designated by title to administer and enforce the floodplain management regulations.

S. Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

T. Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

U. Flood proofing. 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.

Q.V. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ a designated height. Also referred to as "Regulatory Floodway."

W. “Functionally dependent use” A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

X. “Highest adjacent grade” The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Y. *Historic structure” Any structure that is:

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

P.Z “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to

render the structure in violation of the applicable nonelevation design requirements of this chapter found at PMC [23.40.140\(A\)\(2\)](#).

Q.AA “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 to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

R.BB. “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.

CC. “Mean sea level” For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

T.EE “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

U.FF “Recreational vehicle” means a vehicle which is:

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

GG. “Regulatory floodway” See “Floodway”.

V. HH “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the 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 or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

Y.KK “Substantial improvement” ~~means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:~~

~~1. Before the improvement or repair is started; or~~

~~2. 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:~~

~~a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or~~

~~b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have

incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

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

Z.LL "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
AA. "Water-dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

MM. *Violation The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

AA.NN "Water-dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

OO *Water surface elevation The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 1639 § 1, 2006).

23.40.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city. (Ord. 1639 § 1, 2006).

23.40.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for ~~the City of Pacific~~ King County and Incorporated Areas dated ~~June 1980~~ August 19, 2020, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The flood insurance study flood insurance rate maps are ~~is~~ on file at Pacific City Hall. (Ord. 1639 § 1, 2006).

23.40.080 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. 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 constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$5,000 or imprisoned for not more than one year, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 1639 § 1, 2006).

23.40.090 Abrogation and greater restrictions.

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 conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1639 § 1, 2006).

23.40.100 Interpretation.

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

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 1639 § 1, 2006).

23.40.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods 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 shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 1639 § 1, 2006).

23.40.113 Severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

23.40.115 Establishment of Development Permit.

B. Development Permit Required (44 CFR 60.3(b)(1))

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in 23.40.070. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."

C. Application for Development Permit

Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- 1 Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
- 2 Elevation in relation to mean sea level to which any structure has been floodproofed;
- 3 Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in 23.40.140 (B);
- 4 Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- 5 Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate;
- 6 Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation, and
- 7 Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

23.40.117 Designation of the Floodplain Administrator.

The Community Development Manager is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance

with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

23.40.120 Duties and responsibilities of the ~~director~~ Community Development Manager.

The duties of the ~~director~~ Community Development Manager shall include:

A. Permit Review.

1. Review all permit applications to determine that the permit requirements of this chapter have been satisfied;
2. Review all permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
3. Review all permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of PMC 23.40.150(A) are met and the site is reasonably safe from flooding.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided (in A or V zones) in accordance with PMC 23.40.070, the ~~director~~ Community Development Manager shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer PMC 23.40.140 and 23.40.150. Any such information shall be consistent with the requirements of the Federal Insurance Administrator.

C. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood insurance study or required as in subsection B of this section, 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 structures:~~ For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection B:
 - a. ~~Verify and record the actual elevation (in relation to mean sea level); Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed. (44 CFR 60.3(b)(5)(ii));~~ and

b. Maintain the floodproofing certifications required in Section 23.40.115(C)(3). (44 CFR 60.3(b)(5)(iii)) ~~Maintain the floodproofing certifications required in PMC 23.40.140(B);~~

4. Certification required by Section 23.40.150 (44 CFR 60.3(d)(3))

5. Records of all variance actions, including justification for their issuance;

d. Improvement and damage calculations.

36. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance ~~Administ~~ration; and

2. ~~Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.~~

3. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

4. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

E. Interpretation of FIRM Boundaries. The director shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location may appeal the interpretation as provided in Chapter 16.36 PMC. Such appeals shall be granted consistent with the standards of Section 1910.6 of the rules and regulations of the National Flood Insurance program (24 CFR 1909, etc.), to the extent such rules and regulations are applicable. (Ord. 1639 § 1, 2006).

F. Review of Building Permits (44 CFR 60.3(a)(3))

Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (subsection B), applications for floodplain development 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.

G Changes to Special Flood Hazard Area

1 If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.

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

23.40.130 Provisions for flood hazard reduction.

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 including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. (44 CFR 60.3(a)(3)(i)).~~

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

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas (recommended).
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

CD. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. Water wells shall be located on high ground that is not in the floodway (WAC 173-160-171).

DE. Subdivision Development Proposals.

All new development proposals, including subdivisions and manufactured home parks or subdivisions, shall:

1. ~~All subdivision proposals shall be~~ Be consistent with the need to minimize flood damage;
2. ~~All subdivision proposals shall have~~ 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 h~~ Have adequate drainage provided to reduce exposure to flood damage; and
4. ~~Include Base Flood Elevation data for all proposals greater than 50 lots or 5 acres, whichever is the lesser. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).~~

EF. Review of Building Permits.

Where elevation data is not available either through the flood insurance study or from another authoritative source (PMC [23.40.120\(B\)](#)), 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. (Ord. 1639 § 1, 2006).

23.40.140 Specific standards.

In all areas of special flood hazard where base flood elevation (**BFE**) data has been provided as set forth in PMC [23.40.070](#), Basis for establishing the areas of special flood hazard, or PMC [23.40.120\(B\)](#), Use of Other Base Flood Data, 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. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE.~~
2. Fully enclosed areas below the lowest floor usable solely for parking, access or storage and 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 flood waters. 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 flood waters.

3. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in 23.40.170.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

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. 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 PMC [23.40.120\(C\)](#);
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 floodproofed to one foot above the base flood level will be rated as at the base flood level).

6. If located in an AO zone, the structure shall meet the requirements in 23.40.170.

C. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to three feet or more above the level of the base flood elevation (100-year) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible.

D. Manufactured Homes.

1. All manufactured homes to be placed or substantially improved within Zones ~~A1-30, AH, and AE~~ on the community's FIRM on sites:

- a. Outside of a manufactured home park or subdivision;
- b. In a new manufactured home park or subdivision;
- c. In an expansion to an existing manufactured home park or subdivision;
- d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones ~~A1-30, AH, and AE~~ on the community's FIRM that are not subject to the above manufactured home provisions shall be elevated so that either:

- a. The lowest floor of the manufactured home is elevated one foot above the base flood elevation level; or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. At a minimum, a "reinforced pier" would have a footing adequate to support the weight of the manufactured home under saturated soil conditions such as occur during a flood. In addition, if stacked concrete blocks are used, vertical steel reinforcing rods should be placed in the hollows of the blocks and those hollows filled with concrete or high strength mortar. In areas subject to high velocity flood waters and debris impact, cast-in-place reinforced concrete piers may be appropriate.

E. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, be 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 D of this section and the elevation and anchoring requirements for manufactured homes. (Ord. 1639 § 1, 2006).

F. Enclosed Area Below the Lowest Floor

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

G. Appurtenant Structures (Detached Garages & Small Storage Structures)

For A Zones (A, AE, A1-30, AH, AO):

1. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

- a. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
- b. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
- c. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
- d. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;
- e. The appurtenant structure must comply with floodway encroachment provisions in Section 23.40.150 (A);
- f. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 23.40.140 (A)(2)
- g. The structure shall have low damage potential,
- h. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and
- i. The structure shall not be used for human habitation.

2. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 23.40.140 (A)(1).

3. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

H. All Crawlspace Construction

All crawlspaces that have enclosed areas or floors below the BFE must be:

1. Designed and adequately anchored to resist flotation, collapse and later movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. Have openings that allow for the automatic entry and exit of floodwaters. The bottom of the flood opening can be no more than 1 foot above the lowest adjacent exterior grade and meet the requirements in [local section discussing flood openings];
3. Constructed with materials resistant to flood damage, including foundation walls, joists, insulation or other materials that will be below BFE;
4. Located in areas where flood velocities do not exceed 5 feet per second; and
5. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate with the system components during flood conditions.

Crawlspace construction is not permitted in V zones.

I. Below-Grade Crawlspaces

In addition to the above requirements, below-grade crawlspaces must be constructed so that:

1. The interior grade of the crawlspace below the BFE is not more than 2 feet below the lowest adjacent exterior grade;
2. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, does not exceed 4 feet at any point;
3. An adequate drainage system to remove floodwaters from the interior area of the crawlspace is installed.

23.40.150 Floodways.

Located within areas of special flood hazard established in PMC [23.40.070](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses

performed in accordance with standard engineering practice that encroachments shall 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:

1. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (a) before the repair, reconstruction, or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes, or to structures identified as historic places shall not be included in the 50 percent.

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard provisions of PMC 23.40.130, Provisions for flood hazard reduction. (Ord. 1639 § 1, 2006).

D. Substantially Damaged Residences in Floodway

1. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).
2. Before the repair, replacement, or reconstruction is started, all requirements of e NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - a. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

- b. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- c. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- d. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
- e. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
- f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
- g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

23.40.160 Encroachments.

The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 1639 § 1, 2006).

23.40.170 Standards for shallow flooding areas (AO zones).

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

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

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

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
2. Together with attendant utility and sanitary facilities, be completely floodproofed 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 PMC 23.40.140(B)(3).

C. Adequate drainage paths are required around structures on slopes to guide flood waters around and away from proposed structures.

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

1. Be on the site for fewer than 180 consecutive days; and
2. Be fully licensed and ready for highway use, on its wheels or jacking system, be 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 A of this section and the elevation and anchoring requirements for manufactured homes. (Ord. 1639 § 1, 2006).

23.40.180 Variances

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

A. Requirements for Variances

1. Variances shall only be issued:

- a. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - b. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 - c. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - d. Upon a showing of good and sufficient cause;
 - e. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - f. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in 23.40.050 (U), the definition of "Functionally Dependent Use."
2. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
 3. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of 23.40.115 and 23.40.130 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variance Criteria

In considering variance applications, the City shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

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

C. Additional Requirements for the Issuance of a Variance

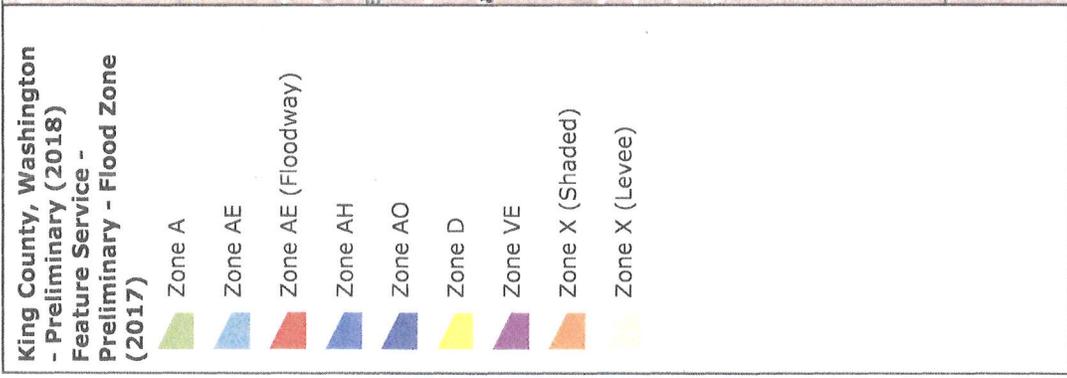
1. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - b. Such construction below the BFE increases risks to life and property.
2. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
3. The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.
4. Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated

residential neighborhoods. As such, variances from flood elevations should be quite rare.

23.40.190 Acronyms

- (ASCE) American Society of Civil Engineers
- (BFE) Base Flood Elevation
- (CFR) Code of Federal Regulations
- (CLOMER) Conditional Letter of Map Revision
- (DFIRM) Digital Flood Insurance Rate Map
- (FIRM) Flood Insurance Rate Map
- (FIS) Flood Insurance Study
- (LOMA) Letter of Map Amendment
- (LOMR-F) Letter of Map Revision based on Fill
- (NFIP) National Flood Insurance Rate Program
- (PMC) Pacific Municipal Code
- (RCW) Revised Code of Washington
- (SFHA) Special Flood Hazard Area
- (WAC) Washington Administrative Code

King County, Washington - Preliminary (2018) Feature Service - Preliminary - Flood Zone (2017)



CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2020-xxxx

AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO REGULATION OF ODORS, AMENDING PACIFIC MUNICIPAL CODE SECTION 20.68.160; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pacific adopted regulations for odorous substances and air contaminants that are likely to be injurious to public health, or which unreasonably interferes with enjoyment of life and property at Title 20 of the Pacific Municipal Code; and

WHEREAS, the legislature, at RCW 70.94.011, has declared that it is “public policy to preserve, protect, and enhance the air quality for current and future generations,” and “[i]mproving air quality is a matter of statewide concern and is in the public interest”; and

WHEREAS, to that end, the legislature created air pollution control authorities in each county of the state, and by statutes, including the *Clean Air Act*, RCW 70.94, those local clean air authorities are provided with very broad powers; and

WHEREAS, in addition, the legislature has granted to the Department of Ecology and local authorities, including the Puget Sound Clean Air Agency (“PSCAA”), the power to enact emission standards that deal specifically with odors, and to assess civil penalties to individuals and companies who violate the *Clean Air Act* or the Agency’s regulations; and

WHEREAS, the PSCAA has the resources and expertise to issue permits for necessary discharge of odors subject to Clean Air Act, and to prosecute violations of that permit and the Agency’s rules and regulations; and

WHEREAS, the City Council seeks to defer to the PSCAA’s expertise where an odor is discharged pursuant to and in compliance with a permit issued by PSCAA; and

WHEREAS, the Planning Commission considered this Ordinance on ____ and held a public hearing seeking input from citizens on this Ordinance on _____; and

WHEREAS, the City Council considered this Ordinance in its first reading of the Ordinance during a regular City Council meeting on January __, 2020; and

WHEREAS, the City Council considered this Ordinance in its second reading of the Ordinance during a regular City Council meeting on February __, 2020; and

WHEREAS, the City Council finds that this Ordinance is consistent with the City's regulations and ordinances, and is in the best interests of the citizens of Pacific;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings and Recitals. The findings and recitals set forth above are hereby adopted and incorporated herein by this reference.

Section 2. Section 20.68.160 of the Pacific Municipal Code is hereby amended to read as follows:

PMC 20.68.160 Performance standards.

Any dissemination incident to a permitted use shall comply with the standards established in this section:

A. The noise emanating from premises used for industrial activities shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness, and where an industrial use adjoins a residential district, the noise loudness measured at the boundary line shall not exceed 40 decibels between the hours of 11:30 p.m. and 6:00 a.m. and 60 decibels at other hours.

B. Industrial and exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. Arc welding, acetylene torchcutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.

C. In terms of fire and safety hazards, the storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with rules and regulations falling under the jurisdiction of the city fire chief, the laws of the state and other local ordinances: Bulk storage of inflammable liquids below ground shall be permitted, and the tank shall be located not closer to the property line than the greatest dimension (diameter, length or height) of the tank.

D. Provisions must be made for necessary shielding or other preventative measures against interferences occasioned by mechanical, electrical, electronic and nuclear equipment, uses, or processes with electrical apparatus in nearby buildings or land uses.

E. The emission of obnoxious odors of any kind shall not be permitted nor the emission of any toxic or corrosive fumes or gases; provided that the emission of odors pursuant to and in compliance with a permit or similar approval issued by the Puget Sound Clean Air Agency (PSCAA) shall be allowed and shall be subject to the concurrent jurisdiction of the City and the PSCAA. Dust created by an industrial operation shall not be exhausted or wasted into the air.

F. The emission of smoke or particulate matter of a density equal to or greater than number 3 on the Ringlemann Chart as currently published and used by the U.S. Bureau of Mines is prohibited at all times.

Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by appropriate landscaping, paving, oiling or other acceptable means. Emission of particulate matter in excess of 0.2 grain per cubic foot of conveying gas or air measured at any property line is prohibited.

G. Smoke Emission Rates. The rate of emission of particulate matter from all sources on any property shall not exceed a net weight of one pound per acre of property during any one hour.

H. Liquid and solid wastes, storage of animal or vegetable waste which attract insects or rodents or otherwise create a health hazard, shall be prohibited. No waste products shall be exposed to view from eye level from any property line.

I. Open Storage. All storage shall be located within an area not closer than 20 feet from the street right-of-way line and shall be enclosed with a heavy wire fence or of a similar type, with the top of the fence not less than six feet above the adjoining street level, or by an attractive hedge or board fence at least six feet high.

In case of the open storage of lumber, coal, or other combustible material, a roadway shall be provided, graded, surfaced and maintained from the street to the rear of the property, to permit free access of fire trucks at any time.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Pacific this ___ day of ___, 2020.

Leanne Guier
Mayor

AUTHENTICATED:

City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Kinnon Williams, City Attorney

PUBLISHED:
EFFECTIVE DATE:

**CITY OF PACIFIC
WASHINGTON**

ORDINANCE NO. 2020-2018

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON,
ADOPTING INTERIM ZONING CODE REGULATIONS RELATING TO
FLOOD CONTROL, AMENDING CHAPTER 23.40 PMC, PROVIDING
FOR THE DURATION OF THIS ORDINANCE AND PUBLIC HEARING,
PROVIDING FOR SEVERABILITY, EXPIRATION, AND EFFECTIVE
DATE**

WHEREAS, the City of Pacific is authorized to impose interim land use controls pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

WHEREAS, interim zoning controls enacted under RCW 36.70A.390 and RCW 35.63.200 both authorize the enactment of an interim zoning ordinance, or interim official control, without holding a public hearing, as long as a public hearing is held within at least sixty days of its enactment; and

WHEREAS, the City is proposing that interim regulations be adopted concerning floodplain management to address the adoption of the current preliminary Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Map's (FIRM) by the Federal Emergency Management Agency (FEMA). The Council will analyze the effectiveness of the interim standards with the information and data acquired during the interim timeframe; and

WHEREAS, in order to maintain participation in the National Flood Insurance Program (NFIP) and allow citizens within the community to obtain flood insurance and certain types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards and include the new FIS and FIRM as the basis for establishing areas of special flood hazard within 6 months of the Letter of Final Determination; and

WHEREAS, the City Council desires to hold a public meeting on this interim zoning Ordinance within 60 days of enactment; and

WHEREAS, the City of Pacific finds that health, safety, and welfare is addressed in the proposed interim zoning code changes for flood control; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council hereby adopts the recitals expressed above as findings of fact justifying the adoption of this Ordinance.

Section 2. Purpose. The purpose of this interim zoning Ordinance is to enact for the term of this Ordinance an update to Chapter 23.40 Flood Control, attached hereto as Exhibit A.

Section 3. Amendment. Chapter 23.40 of the Pacific Municipal Code is amended to read as set forth in “Exhibit A, Amendments to Chapter 23.40 PMC,” attached hereto and incorporated herein by reference.

Section 4. King County, WA Preliminary (2018) Feature Service-Preliminary – Flood Zone (2017). The new preliminary flood zone map by King County is adopted as set forth in “Exhibit B”, attached hereto and incorporated herein by reference.

Section 5. Duration of interim Zoning Regulations/Public Hearing. The interim Zoning Code amendments adopted by this Ordinance shall remain in effect for a period of six months from the effective date and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to that date, or unless the same are repealed or superseded by permanent amendments prior to that date. A public hearing on the interim amendments shall be held no later than sixty days following the effective date of this Ordinance. Following the public hearing, the City Council may take action to amend this Ordinance, including the making of additional findings.

Section 6. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this Ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this Ordinance.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

ADOPTED BY THE CITY COUNCIL AT A REGULARLY SCHEDULED MEETING THEREOF ON THE ____ DAY OF JULY, 2020.

CITY OF PACIFIC

Leanne Guier, Mayor

Attested:

Laurie Cassell, MMC
City Clerk

Approved to as form:

Kinnon Williams, City Attorney



FEMA

May 15, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Leanne Guier
Mayor, City of Pacific
100 Third Avenue Southeast
Pacific, Washington 98047

Dear Mayor Guier:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the City of Pacific, Washington, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on August 19, 2020; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated February 19, 2020, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for King County. Therefore, the City of Pacific should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the City of Pacific will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Floodplain Management Program at Washington Department of Ecology. You may contact David Radabaugh, CFM, the NFIP State Coordinator, by telephone at (425) 649-4260, in writing at 3190 160th Avenue, Southeast, Bellevue, Washington 98008, or by electronic mail at david.radabaugh@ecy.wa.gov.

The FEMA Regional staff in Bothell, Washington, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the City of Pacific and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (425) 487-4600 or in writing. Please send your written inquiries to the Director, Mitigation Division, FEMA Region X,

The Honorable Leanne Guier
May 15, 2020
Page 2

at 130 - 228th Street, Southwest, Bothell, Washington 98021-8627.

The NFIP State Coordinating Office for your State has verified that Washington communities may include language in their floodplain management measures that automatically adopt the most recently available flood elevation data provided by FEMA. Your community's floodplain management measures may already be sufficient if the measures include suitable automatic adoption language and are otherwise in accordance with the minimum requirements of the NFIP. The NFIP State Coordinator can assist you further in clarifying questions you may have about automatic adoption.

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until August 19, 2020, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by August 19, 2020. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

cc: Mike O'Hare, Regional Administrator, FEMA Region X
David Radabaugh, CFM, NFIP State Coordinator, Washington Department of Ecology
Jim Morgan, Public Works Manager, City of Pacific