

CITY OF UNION GAP, WASHINGTON
ORDINANCE NO. 3102

AN ORDINANCE amending Union Gap Municipal Code (UGMC) Title 14. The amendments add definitions and incorporate best science and practices for preventing and mitigating flood hazards in the planning and building process.

WHEREAS, Flood hazard prevention and mitigation is guided by best available science; and,

WHEREAS, the Washington State Department of Ecology, along with Union Gap planning staff, have proposed amendments to Union Gap Municipal Code Title 14.28 to incorporate best science and practices in the planning and building processes; and,

WHEREAS, the City wishes to comply with Washington State Department of Ecology recommendations regarding planning and building requirements for flood hazards; and,

WHEREAS, the City conducted environmental review for the proposal, resulting in the issuance of a Determination of Non-significance on April 1, 2024; and,

WHEREAS, the City held the necessary public meetings and hearings for the proposal, and provided necessary public notice, which allowed citizens and interested parties to comment on the proposal, which resulted in the public being afforded multiple opportunities to provide comment; and,

WHEREAS, the Union Gap Planning Commission finds that the proposed amendments are consistent with the purposes set forth in the Comprehensive Plan, the GMA, and the Union Gap Municipal Code, and that the public use and interest will be served; and,

WHEREAS, the Union Gap Planning Commission recommended to the City Council that the proposed amendments be approved on April 23, 2024; and,

WHEREAS, the Washington State Department of Commerce was provided a 60-day Notice of Intent to Adopt Amendment on April 24, 2024, with the 60-day comment period ending on June 23, 2024 with no adverse comments received; and,

WHEREAS, on July 8, 2024, the City Council approved the proposed amendments to Union Gap Municipal Code 14.28; and,

WHEREAS, the City Council, upon review of the facts, findings, and recommendations of the Planning Commission, as reflected herein, find that the proposal is in the best interests of the City,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP DOES ORDAIN as follows:

Section 1: The Union Gap Municipal Code (UGMC) Title 14 Zoning Chapter 14.28, is hereby amended as follows:

Chapter 14.28 FLOOD HAZARD PROTECTION

I. Definitions

14.28.010 Terms defined.

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 its most reasonable application.

“Accessory Structure” means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

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

- (a) "Appeal" means a request for a review of the administrator's interpretation of any provision of this chapter or a request for a variance.
- (b) "Area of shallow flooding" means a designated AO,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 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 is shown on Flood Insurance Rate Maps (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.”
- “ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.
- (d) "Base flood" means the flood having a one percent chance of being equaled or exceed in any given year. Also referred to as the one-hundred-year flood.

“Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

- (e) "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

"Building" see "structure."

"Building Code" means the currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

"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, and installations which produce, use, or store hazardous materials or hazardous waste.

- (f) "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 or equipment or materials located within the area of special flood hazard.

"Elevation Certificate" means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

"Elevated Building" means, for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Essential Facility" this term has the same meaning as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

"Existing 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 before the effective date of the floodplain management regulations adopted by the community.

"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 site grading or the pouring of concrete pads).

"Farmhouse" means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

- (g) "Flood" or "flooding" means:

- 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; and/or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
 - (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) 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 (1)(a) of this definition.

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

- (h) "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards 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).

- (i) "Flood insurance study" see "Flood Elevation Study."

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

“Floodplain management regulations” means 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.

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

- (j) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively

increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

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

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

"Historic structure" means any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

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

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

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

(k) "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 non-elevation design requirements of Section 14.28.200.

(l) "Manufactured home" is a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required facilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

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

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

- (n) "New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter and includes any subsequent improvements to such structures.

"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 adopted by the community.

"One-hundred-year flood or 100-year flood" see "Base flood."

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

- (o) "Recreational vehicle" means a vehicle which is:

- (1) Built on a single chassis; and
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection; and
- (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.

- (p) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (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 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For 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 the alteration affects the external dimensions of the building.

- (q) "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.
- (r) "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 fifty (50) percent of the market value of the structure before damage occurred.
- (s) "Substantial improvement" means any repair, reconstruction, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (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.

This term does not, however, include either:

- (1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and 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".
- (t) "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.

"Water surface elevation" means the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. "Water dependent" means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. 2399 §§ 1-3, 2003; Ord. 1494 § 1, 1991; Ord. 1240 § 1(1), 1989; Ord. 1119 § 1 (part), 1987; Ord. 907 § 1.0, 1983)

(Ord. No. 2898 , § 2, 5-9-16)

II. General Provisions

14.28.020 Applicability of chapter.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(Ord. 907 § 2.1, 1983)

14.28.030 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Yakima County, Washington and Incorporated Areas" dated October 21, 2021, and any revisions thereto with accompanying Flood Insurance Rate Maps and any revisions thereto, is adopted by reference and declared to be a part of this chapter. The FIS and FIRM is on file at 102 West Ahtanum Road, Union Gap, Washington.

(Ord. 2079 § 1, 1998; Ord. 1119 § 1 (part), 1987; Ord. 907 § 2.2, 1983)

(Ord. 2631, § 1, 10-12-09; Ord. No. 2898 , § 3, 5-9-16)

14.28.035 Compliance.

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

14.28.040 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. A violation of this chapter is a misdemeanor crime which shall be punished by imprisonment of not more than ninety (90) days, or by a fine in an amount not more than one thousand dollars (\$1,000.00) or both such imprisonment and fine.

(Ord. 907 § 2.3, 1983)

(Ord. No. 2851 , § 1, 1-27-14)

14.28.050 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. 907 § 2.4, 1983)

14.28.060 Interpretation.

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

- (a) Considered as minimum requirements;
- (b) Liberally constructed in favor of the governing body; and,
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 907 § 2.5, 1983)

14.28.070 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 man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards 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 thereunder.

(Ord. 907 § 2.6, 1983)

14.28.075 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.

III. Administration

14.28.080 Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 14.28.030. The permit shall be for all structures including manufactured homes, as set forth in the definitions, and for all other development including fill and other activities, also as set forth in the definitions. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: (1) plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; and (2) existing and proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (b) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 14.28.210(c);
- (d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- (e) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and

(f) Any other requirements as specified by the Floodplain Administrator.
(Ord. 2546 § 1 (part), 2007; Ord. 2399 § 4, 2003; Ord. 1119 § 1 (part), 1987; Ord. 907 § 3.1, 1983)

(Ord. No. 2797, § 2, 11-13-12)

14.28.085 Fill permit issuance.

Prior to the issuance of a permit for the placement of fill in an area of special flood hazard a registered professional engineer or architect shall provide an analysis certifying the following:

- (a) The fill will not result in any measurable increase in flood heights within one hundred (100) feet of the ordinary high water mark of the stream.
- (b) The fill will not increase the flood hazard to neighboring properties.
- (c) Placement of the fill will not increase the velocity or alter the channel of the stream.
- (d) Placement of fill must comply with Section 14.28.230(a).

(Ord. 2399 § 5, 2003; Ord. 2078 (part), 1999)

14.28.090 Designation of the administrator.

The development coordinator or his or her designee is authorized and appointed as the Floodplain Administrator to administer, implement, and enforce this chapter by granting or denying development permit applications in accordance with its provisions.

(Ord. 2546 § 1 (part), 2007; Ord. 2399 § 6, 2003; Ord. 907 § 3.2, 1983)

(Ord. 2631, § 1, 10-12-09)

14.28.100 Duties and responsibilities of administrator.

Duties of the Floodplain Administrator shall include, but not be limited to:

- (a) Permit Review.
 - (1) Review all development permits to determine that the permit requirements have been satisfied;
 - (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
 - (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of subsection (a) of Section 14.28.230 are met.
 - (4) Review all development permits to determine that the site is reasonably safe from flooding.

- (5) Notify FEMA when annexations occur in the Special Flood Hazard Area.
 - (6) Notify FEMA of changes to the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.
- (b) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 14.28.030, Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 14.28.200, 14.28.210 and 14.28.230.
- (c) Information to be Obtained and Maintained.
- (1) Where base flood elevation data is provided through the FIS, FIRM, or as required in Section 14.28.100(b), obtain and maintain the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - (2) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 14.28.100(b):
 - a. Obtain and maintain a record of the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - b. Maintain the floodproofing certifications required in subsection (c) of Section 14.28.080;
 - (3) Maintain for public inspection all records pertaining to the provisions of this chapter.
 - (4) Certification required by Section 14.28.230(a) (floodway encroachments).
 - (5) Records of all variance actions, including justification for their issuance.
- (d) Alteration of Watercourses. Whenever a watercourse is to be altered or relocated:
- (1) Notify adjacent communities, the Washington State Department of Fish and Wildlife, and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means; and
 - (2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. .
- (e) Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 14.28.110 and 14.28.120.

(Ord. 2399 §§ 7—8, 2003; Ord. 1119 § 1 (part), 1987; Ord. 907 § 3.3, 1983)

14.28.110 Variance procedure—Appeal board.

All variances from the requirements of this chapter and appeals, when it is alleged there is an error in any requirement, decision or determination made by the administrator, shall be considered by the hearing examiner.

- (a) Processing Procedure. The following procedure shall be used when a variance and/or appeal is received:
 - (1) Applications must be filed in the office of the city clerk.
 - (2) The administrator shall establish the date and time for consideration of the matter by the hearing examiner and notify the applicant.
 - (3) The hearing examiner shall conduct at least one public meeting into the matter and may conduct additional meetings at his or her discretion. The applicant shall appear in person, by agent, or attorney.
 - (4) At the conclusion of the meeting(s), the hearing examiner shall render a written decision to approve, approve with conditions, or deny the request based on the factors outlined in this section and Section 14.28.120.
 - (5) The decision of the hearing examiner shall be rendered within ninety (90) days of the receipt of the application by the city, unless the applicant consents to an extension of time. The decision of the hearing examiner is the final city decision on the matter.
- (b) The hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, 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 times of flood for ordinary and emergency vehicles;

- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and effects of wave action, if applicable, 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, and water systems, and streets and bridges.
- (c) Generally, the only condition under which a variance may be issued is 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 base flood level, providing items (1) through (11) of subsection (b) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - (d) Upon consideration of the factors of subsection (b) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - (e) The administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
 - (f) Those aggrieved by the decision of the hearing examiner, or any taxpayer, may appeal such decision to the superior court, as provided in the Revised Code of Washington.

(Ord. 2399 §§ 9-10, 2003; Ord. 1119 § 1 (part), 1987; Ord. 907 § 3.4-1, 1983)

(Ord. 2631, § 1, 10-12-09)

14.28.120 Variance procedure—Conditions for variances.

- (a) Variances may be issued for the reconstruction, 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.
- (b) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) 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 as identified in subsection (b) of Section 14.28.110, or conflict with existing local laws or ordinances.

- (e) Any applicant to whom a variance is granted shall be given notice that permission is granted to build the structure with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (f) Any variance approved by the hearing examiner shall be conditional upon the privilege granted being utilized within six months after the effective date of the variance.
- (g) Variances as interpreted in the National Flood Insurance Program 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 the flood elevations should be quite rare.
- (h) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 14.28.120(a), and otherwise complies with Section 14.28.130 and Section 14.28.150 of the General Standards.

(Ord. 2399 § 11, 2003; Ord. 1119 § 1 (part), 1987; Ord. 907 § 3.4-2, 1983)

(Ord. 2631, § 1, 10-12-09)

IV. Protection Provisions—General

14.28.130 Required general standards.

In all areas of special flood hazards, the general standards set forth in this article are required.

(Ord. 907 § 4.1 (part), 1983)

14.28.140 Anchoring.

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
- (b) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top and frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(Ord. 1240 § 1(2), 1989; Ord. 1119 § 20, 1987; Ord. 907 § 4.1-1, 1983)

14.28.150 Construction materials and methods.

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (c) 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.

(Ord. 1119 § 1 (part), 1987; Ord. 907 § 4.1-1, 1983)

14.28.155 Storage of Materials and Equipment.

- (a) 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.
- (b) 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.

14.28.160 Utilities.

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
- (c) On-site waste disposal system shall be located to avoid impairment to them or contamination from them during flooding; and
- (d) Water wells shall be located on high ground that is not in the floodway.

(Ord. 907 § 4.1-3, 1983)

(Ord. No. 2898 , § 4, 5-9-16)

14.28.170 Development and Subdivision proposals.

- (a) All subdivision and development proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision and development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (c) All subdivision and development proposals shall have adequate drainage provided to reduce exposure to flood damage; and

- (d) 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 fifty lots or five acres (whichever is less).

(Ord. 1119 § 1 (part), 1987; Ord. 907 § 4.1-4, 1983)

14.28.180 Review of building permits.

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 14.28.230), 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. 1119 § 1 (part), 1987; Ord. 907 § 4.1-5, 1983)

V. Protection Provisions—Specific

14.28.190 Required specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 14.28.030 or subsection (b) of Section 14.28.100, the specific standards set forth in this article are required.

(Ord. 907 § 4.2 (part), 1983)

14.28.200 Residential construction.

- (a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE. Any structure or improvement in an area of special flood hazard located within one hundred feet of the floodway, or one hundred (100) feet of the ordinary high water mark of the stream if no floodway has been established, shall be elevated using methods that do not obstruct flows such as piers, posts, columns or other methodology unless it can be demonstrated that the proposed construction methods will not impede the movement of floodwater or displace a significant volume of water.
- (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (1) 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;

- (2) The bottom of all openings shall be no higher than one foot above grade;
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (4) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.
- (c) Crawlspace and Basements
- (i) The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade.
 - (ii) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point.
 - (iii) The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas (refer to FEMA Technical Bulletin 11-01, page 7, Guidance for Pre-Engineered Crawlspaces). This limitation is intended to prevent these crawlspaces from being converted into habitable spaces.
 - (iv) There must be an adequate drainage system that removed floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.
 - (v) The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.
- (Ord. 2078 (part), 1998; Ord. 1494 § 2, 1991; Ord. 1240 § 1(3), 1989; Ord. 1119 § 1 (part), 1987; Ord. 907 § 4.2-1, 1983)

14.28.210 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2, below:

- 1) (a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.
- (b) If located in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

- (c) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet Section 14.28.200(b), above.
- 2) (a) Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (c) 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 certification shall be provided to the official as set forth in Section 14.28.100(c)(2);
- (d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 14.28.200(a);
- (e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated one foot below the base flood level);
- (f) Any structure or improvement in an area of special flood hazard located within one hundred (100) feet of the floodway, or one hundred (100) feet of the ordinary high water mark of the stream if no floodway has been established shall be elevated using methods that do not obstruct flows such as piers, posts, columns or other methodology unless it can be demonstrated that the proposed construction methods will not impede the movement of floodwater or displace a significant volume of water.

(Ord. 2078 (part), 1998; Ord. 1494 § 3, 1991; Ord. 1240 § 1(4), 1989; Ord. 1119 § 1 (part), 1987; Ord. 907 § 4.2-2, 1983)

14.28.220 Manufactured homes.

All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with the provisions of Section 14.28.130(b).

(Ord. 2399 § 12, 2003; Ord. 1274, 1989; Ord. 1240 § 1(5), 1989; Ord. 1119 § 1 (part), 1987; Ord. 907 § 4.2-3, 1983)

14.28.223 Livestock Sanctuary Area.

Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

14.28.225 Recreational vehicles.

Recreational vehicles placed on sites are required to either:

- (a) Be on the site for fewer than one hundred eighty (180) consecutive days; or
- (b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently established additions; or
- (c) Meet the requirements of Section 14.28.220 and the elevation and anchoring requirements for manufactured homes.

(Ord. 2399 § 13, 2003)

14.28.226 Enclosed Area Below the Lowest Floor.

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

14.28.227 Small Accessory 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 flood proofed to or above the BFE;
 - e) The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1;
 - f) The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5).
 - g) The structure shall have low damage potential, and
 - h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use.
 - 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 5.2-1.
 - 3) Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

14.28.228 AE and A1-30 Zones with Base Flood Elevations but No Floodways.

In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

14.28.229 Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the 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 three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.

14.28.230 Generally.

Located within areas of special flood hazard established in Section 14.28.030 are areas designed as floodways. Since the floodway is an extremely hazardous area due the velocity of floodwaters 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 is provided demonstrating through engineering hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) If subsection (a) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
- (c) Construction or reconstruction of residential structures is prohibited within designated floodways, except for: (1) repairs, reconstruction, or improvements to a structure which does not increase the ground floor area; and (2) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty (50) percent of the market value of the structure either (A) before the repair, reconstruction or improvement is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places may be excluded in the fifty (50) percent.

(Ord. 2399 §§ 14-15, 2003; Ord. 1240 § 1(7), 1989; Ord. 907 § 4.3, 1983)

Section 2: The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission and the City Council. The Union Gap City Council makes the following findings of facts and conclusions:

- A. The City Council adopts and incorporates the foregoing recitals as fully set forth herein.
- B. The proposal is consistent with the GMA requirement for consistency between comprehensive plans and development regulations.
- C. The City Council concludes that this proposal bears a substantial relationship to the public health, safety, and welfare.
- D. The public review process for the proposal included open-record public hearings before the Union Gap Planning Commission on April 23, 2024 and an open-record public hearing before the Union Gap City Council on July 8, 2024.
- E. An initial SEPA Threshold Determination was made on April 1, 2024. No comments or appeals were made regarding the environmental determination.

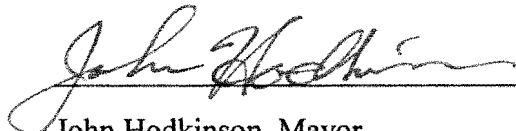
F. The public use and interest will be served.

Section 2: Based upon the above-referenced findings and conclusions, the City Council for the City of Union Gap approves the amendments to Union Gap Municipal Code Title 14.28.

Section 3: This ordinance, or a summary thereof if allowed by law, shall be published in the official newspaper of the City of Union Gap and shall take effect and be in full force five (5) days after passage and publication.


Section 4: If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause, or phrase of this ordinance.

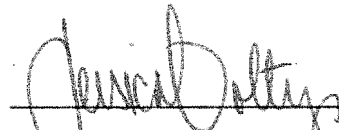
PASSED this 8th day of July 2024



John Hodkinson, Mayor

ATTEST:



Lynette Bisconer, City Clerk

Jessica Foltz, City Attorney

City of Union Gap

Staff Recommendation for Text Amendments Regarding Flood Hazard Protection

City of Union Gap
102 W Ahtanum Rd.
Union Gap, WA 98903
(509) 248-0432

Findings and Analysis

Based upon information supplied by the applicant, comments from public agencies, and a review of Union Gap Municipal Code, Union Gap Comprehensive Plan, and the State Environmental Policy Act, the Administrative Official enters the following:

1. Project Description:

The Washington State Department of Ecology, along with Union Gap planning staff, have proposed amendments to Union Gap Municipal Code Chapter 14.28 regarding Flood Hazards. The proposed amendments add definitions, and incorporate best science and practices for preventing and mitigating flood hazards in planning and building processes.

2. Future Land Use and Zoning:

This proposal would be city-wide, and so would apply to a broad spectrum of future land use and zoning district designations.

3. Jurisdiction and Process:

Per UGMC 18.20.030, Development Regulations are classified as an action requiring Type V review. These reviews involve public notice and an open public hearing, a recommendation by the planning commission, and a decision by City Council. The classification and process can be found in the tables below. They are also subject to judicial appeal.

Type I	Type II	Type III	Type IV	Type V
Permitted uses not requiring other land use review	Uses requiring Class (2) review	Uses requiring Class (3) review	Site specific rezones	Comp. Plan Amendments
Uses requiring Class (1) review		Shoreline permits	Preliminary plats	Development regulations
Minor amendments to PUD			Essential public facilities	Zoning text amendments
Floodplain development permit				Annexations
Short plats				Area wide rezones
Interpretations and administrative decisions				

	Type I	Type II	Type III	Type IV	Type V
Recommendation made by:	N/A	N/A	Planning Staff	HR	PC
Final decision made by:	Administrator, unless appealed	Administrator unless referred for Class (3) review or appealed	Hearing Examiner (HR), unless appealed	CC	CC
Notice of application	No	Yes	Yes	Yes	Yes
Open records public hearing	Yes, if appealed to Hearing Examiner (HR)	No, unless referred for Class (3) review	Yes, before HR	Yes, before HR	Yes, before PC and CC
Closed record appeal/final decision	No	No	No	Yes, before CC	No
Judicial appeal	Yes	Yes	Yes	Yes	Yes

4. Processing Timeframe:

The application has been processed as follows:

- Application Submitted: April 1, 2024
- Notice of Application: April 1, 2024
- Agency Comment Period: April 1 to April 15, 2024
- SEPA Threshold Determination: April 1, 2024
- Planning Commission and First Public Hearing: April 23, 2024
- Submission to Commerce: April 24, 2024
- Commerce Comment Period: April 24 to June 23, 2024
- City Council and Second Public Hearing: July 8, 2024

5. Public Comments:

One agency comment was received during the public/agency comment period. The Washington State Department of Fish and Wildlife requested that they be included on the noticing lists for projects that may alter or relocate a watercourse. That comment has been incorporated into the revised amendments, and is being reviewed as part of this project.

6. Findings:

A. The proposal is consistent with the Growth Management Act

The Growth Management Act identifies goals and policies cities must consider with regards to development regulations. The following chapters of the Growth Management Act relate to the proposed amendments.

RCW 36.70A.020 – Planning Goals

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability

(10) Environment. Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(14) Climate change and resiliency. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster

resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

RCW 36.70A.060 – Natural resource lands and critical areas – Development regulations

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required to choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to ensure consistency.

RCW 36.70A.172 – Critical areas – designation and protection – best available science to be used

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

Staff Finding: The proposed amendments are being made in order to protect frequently flooded areas and floodways, and to ensure that building and planning processes consider the impact proposed actions have on these critical areas, as well as the impact these areas may have on their properties. The amendments incorporate best science and practices at the direction of the Washington State Department of Ecology. The project has been processed in a manner consistent with the GMA, and aligns with its stated goals.

B. The proposal is consistent with the Union Gap Comprehensive Plan

The Natural System Element of the Union Gap Comprehensive Plan addresses frequently flooded areas and the goals and policies associated with protecting the environment and the safety and property of Union Gap residents. The following goals and policies are most relevant to these amendments:

Goal NS 1: Protect and enhance Union Gap’s environmental quality, including surface water, wetlands, floodplain, groundwater, and wildlife habitat resources.

Pol NS 1.1 – Use the best available science in a reasonable manner to develop policies and regulations to protect the functions and values of critical areas (WAC 365-195-900)

Pol NS 1.2 – Ensure proposed subdivisions, other development, and associated infrastructure are designed at a density, level of coverage, and occupancy to preserve the structure, values,

and functions of the natural environment and to protect the public from hazards to health and safety.

Pol NS 1.4 – Define and protect critical areas from adverse impacts by restricting inappropriate development

Goal NS 8: Prevent the loss of life or property and minimize public and private costs associated with repairing or preventing flood damages from development in frequently flooded areas.

Pol NS 8.1 – Support comprehensive flood control planning

Pol NS 8.4 – Where the effects of flood hazards can be mitigated; require appropriate standards for subdivisions, parcel reconfigurations, site developments and site design of structures

Pol NS 8.5 – Prohibit construction of permanent structures in floodways due to risks associated with deep and fast-flowing water. Limit development in the 100-year floodplain to that which is not harmed by flooding. Occupied levels of structures should be located at or above the 100-year flood level.

Staff Finding: The proposed amendments help to prevent and mitigate potential damage to frequently flooded areas and floodways, as well as to properties within these critical areas. These goals align with the goals set forth in the Union Gap Comprehensive Plan Natural System Element.

C. The proposal is consistent with the Union Gap Municipal Code.

UGMC 14.02.020 – The purpose of this title is to provide minimum standards to safeguard life or limb, health, property, and general welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and placement, repair and maintenance of all buildings and structures within the city of Union Gap and of certain equipment specifically regulated herein and to safeguard to a reasonable degree, life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings on premises...

Staff Finding: The proposed amendments are designed to both protect critical areas within the city limits of Union Gap, as well as to protect life, limb, health, property, and general welfare from flood hazards such as frequently flooded areas and floodways. The amendments are consistent with the purpose of title 14 of the Union Gap Municipal Code.

(1) Conclusions:

- A. The public notice requirements of the Union Gap Municipal Code and State Environmental Policy Act have been satisfied.
- B. SEPA Environmental Review has been completed, resulting in an initial Determination of Non-Significance (DNS) on April 1, 2024. No comments were received to amend the initial threshold determination.
- C. The SEPA DNS can be appealed to Yakima County Superior Court for 21 days following the City Council's decision.

- D. The proposal is consistent with the goals and policies of the GMA, the Union Gap Comprehensive Plan, and the Union Gap Municipal Code.
- E. The public use and interest will be served.

(2) Recommendation:

The Yakima Valley Conference of Governments, acting as staff for the City of Union Gap, recommends that the Union Gap City Council adopt the amendments as proposed.