

MEETING NOTES
Channel Migration Zone Citizen Advisory Committee
Wednesday, January 21st, 2009
6:30 – 8:30 p.m.
Pierce County Central Maintenance Facility
4812 196th St. E., Spanaway

CAC Members Present

Don Hawkins, Chair	Betty Zenkner
Thomas Magnan	Mike Fenimore
Hal Michael	Shelly Butterfield
Jeff Barney	Valerie Wilson
Kathy Hatcher	
Jerry Harnish	<u>Excused</u>
Ted Hill	Karen Willard

PC Staff and Speakers

Harold Smelt, PC SWM
Hans Hunger, PC SWM
Melissa Paulson, PC SWM
Dennis Dixon, PC SWM

Also Present

Jeff Cox, Hugh Taylor (PC Council); Marla Treat, Paul Nerge

Introductions and Announcements

This meeting was rescheduled from January 7th due to flooding throughout the County. No public comment was received after the December meeting. Handouts: Melissa distributed hard copies of two documents containing information on King County's CMZ regulations (Severe zone – Chapter 21A.24.010 through 21A.24.045; Moderate zone – 21A.24.275), which were emailed to the group prior to the meeting. Additional information on King County's regulations will be made available via email in advance of the February meeting. Also distributed were copies of a 1/21/09 TNT article, "Fix for flooding will be complicated." Lower Puyallup Executive Task Force: Questions were initially raised about the relevancy of the Lower Puyallup Executive Task Force to CMZ CAC efforts (see handout). However, there is no CMZ in the Lower Puyallup, which indicates that the two efforts are not integrally related. Targeted Mailing: Tom will be sending a letter to all property owners impacted by mapped CMZs in Pierce County. He will work with Don, Hans and Harold to develop the language. A number of CAC members offered to help Tom cover the cost of the mailing. Work Plan: Don reminded the group that there are only eight meetings left until we report back to the Council. Ideally, the CAC will wrap up their recommendations by May, leaving time for a public open house process.

Evaluation of CMZ Mapping "Policy Calls"

This agenda item represented a continuation of the discussion began at the December meeting. Three major policy issues were identified by Pierce County staff as needing evaluation by the CAC. Discussion of the definition and use of the HCOT wrapped up last meeting. The two unfinished discussion items pertain to: 1) Permanency of manmade structures; and 2) Tiered levels of risk.



For each topic, the general question for the CAC to answer is, “Was this decision reasonable, and if not, what issues need to be addressed to make it reasonable?” Specific questions are identified below.

Permanency of Manmade Structures – At the December meeting, the CAC was asked to address two specific questions: *1) Was Pierce County’s decision to hold no manmade structures (specifically levees) permanent when mapping CMZ hazard areas reasonable? 2) If it was not reasonable, under what conditions should a structure be considered permanent (i.e., what criteria should apply)?* Generally, consensus was that the decision was a reasonable one, but only as a starting point for mapping CMZ hazard areas. The argument was made that the current protection (“level of service”) provided by PC levees must be taken into account when mapping CMZs, and that it may not always be appropriate for the “severe” hazard area to extend to those properties behind a well-maintained, highly performing levee. One way to distinguish between levees could be through review of maintenance records (e.g., blowout frequency, loss of rock, etc.). Other issues identified as needing consideration when considering permanency of levees and other structures include: cost benefit, fairness/equity, expectations of the adjacent landowners, and the type of development behind the levee (i.e. new vs. existing, arterial roads, etc.). The discussion is reflected more fully on page 4 of these notes.

Tiered Levels of Risk – Two questions were posed to the CAC at the last meeting: *1) Was Pierce County’s decision to make a distinction between the levels of risk (severe/moderate/low) reasonable? 2) Are the migration intervals (5 years, 15 years, 50 years) reasonable?* The decision to map three levels of risk was generally accepted as a reasonable one, although there were concerns that some areas mapped as “severe” might more appropriately be called “moderate.” (For example, the “severe” hazard area could extend only up to – but not beyond – many PC levees, with an expanded “moderate” zone behind the levee.) There was an explicit assumption that different regulations should apply to each of the mapped zones, commensurate with the migration hazard. King County’s decision to have strict regulations in the “severe” hazard zones and less strict regulations in the “moderate” zones was held up as an example that could be applied in Pierce County.

The CAC’s discussion is reflected more fully on page 4 of these notes. The question of migration intervals was not taken up at this time. A related question about Pierce County’s decision to regulate only the severe hazard areas will be addressed more fully at the February meeting.

Assignments

All Members: Continue to review materials and ask questions as needed

Don: Work with PC staff on development of next month’s meeting agenda

PC Staff: 1) Distribute meeting materials (agendas, notes, etc.) prior to the next meeting date; 2) Work with Chair to develop agenda for February; 3) Follow up on mention of possible dredging



in Puyallup River near Orting; 4) Collect and distribute levee maintenance costs, sorted by river system (may not be available in time for the next meeting)

Parking Lot for Future Meetings

Targeted Mailings – Request for PC to feel out potential for budget to do these sorts of mass mailings in the future

Assessed Value of CMZ Affected Property (Dec) - There was a request to do a quick analysis of the value of all the property affected by the regulated CMZ. The intent of the request was to discover whether public purchase of all that property would be a cost effect long term strategy.

Next Meeting

Wednesday, February 4th, 6:30-8:30 p.m. at the CMF (*Objective: Begin regulation discussion, complete if possible*)



CAC Discussion of Pierce County CMZ Mapping Policy Decisions Permanency of Manmade Structures & Severe/Moderate/Low Hazard Zones

- Right now, levees are partially taken into consideration (e.g., where the channel has been constrained over the period of record), but not explicitly “held permanent”
- Pierce County CMZ regulations apply to only unincorporated Pierce County, not cities (e.g., Orting)

Original Question was “Is the decision to not hold levees permanent reasonable?”

- This decision is reasonable as starting point for mapping
- Reminder: regulations currently apply to severe CMZ only (not moderate)
- Possibility of levee presence changing areas from “severe” to “moderate?”
- Concern: Need to consider ability to permit replacement of levees after a migration event
- Two fundamentally different questions: 1) Where is CMZ? And 2) How do we manage it?
- Bring back to, “Is the current mapping reasonable?” Yes, as a starting point
- Cost benefit needs to be a driving factor of this decision (e.g., cost to replace levee vs. cost to replace property)
- Best you can do won’t save all losses, BUT existing infrastructure does provide some level of protection.
- What about setback levees (plus their effect on CMZ areas)?
- New floodplain can reduce downstream flooding but do not really affect CMZ’s; they can reduce pressure/stress on downstream levees, though
- It is sometimes cheaper to purchase floodplain than to build levees (because some acquisitions may include abandoning existing levees)
- So, is the current mapping reasonable? Yes, with a focus on management of those areas in our recommendations to Council.

What is the expectation of property owners purchasing land behind levees? We could use that info to set reasonable policies.

- Recognize hazard, expect some protection but know could suffer losses & take some responsibility for that situation.
- Don’t want to lose by legal reasons before actual losses happen.
- Hans sees three ways to classify those expectations: 1) Accept and move on; 2) someone buy me out; 3) put river back and rebuild
- Expect “fairness” from Pierce County, come back with answers, fair buyouts are okay (e.g., \$300k pre flood vs. \$130k post flood is NOT “fair”), want to rebuild, want PC to be “proactive”
- Expectation of maintenance (i.e., continued level of service) and protection from “normal” flooding – this might drive severe and moderate distinctions
- “Existing” and “new” development must be treated differently (e.g., protect existing open areas)
- Existing development = established value – don’t mess with this.



- Expectation: put the river back, put development back
- Expectation: Pierce County is taking our money, so they should control the river; expect emergency aid when it's needed; expect the ability to rebuild since already there
- What is the expectation of Pierce County when permitting behind levees?
- "Fairness" does not exist; new vs. existing (pg6)
- What about raw land and those expectations [to be able to develop]? Are they the same?
- Further development = new house or existing house
- Needs to be fairness between mobile and stick built homes; Pierce County should work for (not against) us...where's the pro-activity and permission to rebuild to FEMA standards? (consistent information needed)
- But isn't strict regulation being proactive? Community served = ALL taxpayers with CMZ areas only a small percentage
- How "fairly" can those regulations be implemented? When we get smarter, we'll do better, but will shortchange more (or different) people – this is a shift in the sense of risk
- Expectation: Balance of assessed value vs. property taxes vs. buy-out prices

So, is the permanency status quo reasonable? Yes, as a starting point

- Not holding any structures permanent doesn't work for some folks; need to make some exceptions like King County does.
- For [the original CMZ] studies, holding no structures permanent was reasonable, but we want to recommend that existing levees be maintained
- King County only moderate behind levee (?) (separate regulations in moderate and severe)
- King County: maintained if levee exists and will be maintained = "permanent"; no CMZ behind levee
- Recommendation: Map CMZs as "Severe" up to levee, and "moderate" behind – then regulate
- Remember that King County has different terminology, mapping systems and rivers (the Green River is not the same as the Nisqually, Carbon, Puyallup or White)
- King County also has stable funding for maintenance
- What does "structures" include in this discussion? Levees? RRs? Hwys?
- Some roads will always have to be rebuilt
- King County regulations may apply to some Pierce County rivers, even if not at all
- Devils advocate/liability should be considered
- DNR to do dredging (April?) in Puyallup River upstream of Orting?
- What about salmon habitat?
- Recommendation: Change severe to moderate behind some levees and other structures.
- Most PC levees are agricultural levees designed to lessen flooding, NOT to protect (except for 1 of 90+ total levee miles)
- Drawing the CMZ line at a levee can yield increased expectations by property owners in newly "moderate" zone (vs. severe)
- One-size-fits-all? NO - Don't want to be boxed in to this
- How do we discriminate between "hold-the-line" levees and "impermanent" levees? Remember that everyone (property owners) wants the same things.
- Need to consider the impact of proximity to hazard on insurance costs/rates



- Riverside (CMZ) areas = lots of Pierce County money spent on maintenance/repair

Do we want regulations in “severe” areas only? No, regulate in moderate zones, too

- Should we map CMZs as “Moderate” behind all levees? No, need to make the call somehow
- Need to avoid “blanket” decisions with same conditions across all Pierce County rivers.
- Still need to regulate moderate; we should have different regulations for moderate and severe zones
- What criteria to apply to determine severe vs. moderate levee reaches? Need to develop these
- Need to consider working with Corps and FEMA? – No, not applicable to CMZs
- Consider maintenance records, repeat loss, performance of levees over time
- CMZ proof levee vs. flood control levee: what are the engineering differences?
- Maybe no engineering difference, but de facto performance differences (i.e., what does the river do and how does the levee respond?)
- e.g., Loss of rocks
- Repeat loss may yield severe zone behind levees in some areas
- BUT what about impact of continued maintenance? Maybe need for an additional hazard zone (e.g., “orange” vs. red, yellow, green)
- Can we use notice on titles to notify about CMZ hazards?
- Flooding does not cause migration hazard!
- Maintenance activities can cause changes in river
- Severe inside, moderate outside is workable – need to define which specific areas to adjust this on – need to keep river “clean and below levees”
- This approach will keep 90% of people happy; 10% will be upset that their levee isn’t called permanent
- Pierce County made own bed on this one...
- During 1996, 4+ miles levee failed (5%)
- Lessening CMZ regs is not a panacea... there are still other flood designations (DF, Federal Way, etc.) with regulations that apply
- Recommendation: Regulate severe and moderate zones, not just severe

Next meeting: What are the regs going to be?

Public comment

- Support use of notice on title, but want to also emphasize property disclosures
- Wants to emphasize that “one-size” approach is not the best solution.
- What about parcels with no observed flooding in a long time? Properties now at risk can represent whole life’s saving, so need to be sensitive to those folks’ situations, too.
- There are additional folks (from the Upper Nisqually area) that are interested in attending future meetings if they are geared more towards public.

