

MEETING NOTES
Channel Migration Zone Citizen Advisory Committee
Wednesday, February 4th, 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	
Karen Willard	<u>Absent</u>
Ted Hill	Jerry Harnish

PC Staff and Speakers

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

Also Present

Jeff Cox (PC Council); Marla Treat

Introductions and Announcements

No public comment was received after the January meeting. Other than notes from the previous meeting, no handouts were distributed. Tom is in the process of drafting a letter that will be mailed to all of the property owners affected by CMZ regulations and mapping. He will keep the group updated on the process as he moves forward. Harold introduced a map showing the three CMZ hazard areas (severe, moderate and low) for two example locations within the County. He encouraged the CAC to clarify whether their recommendation to change hazard mapping behind levees (e.g., converting CMZ status from severe to moderate) would result in an overall increase in the amount of land being regulated as a CMZ area.

Development Standards in Pierce County CMZs

Based on earlier CAC concerns that “one-size-fits-all” solutions should be avoided, PC staff provided a matrix to help facilitate discussion about how different types of development should be treated in different channel migration hazard areas. At issue are regulations and development standards for new development, improvement of existing structures and replacement of existing structures after they become damaged. The CAC was encouraged to consider what regulations and development standards should apply for these types of development within severe, moderate and low CMZ hazard areas.

During their discussion about where CMZ regulations should apply, the CAC raised some concern about the use of “severe, moderate, low” as terminology to delineate the new CMZ mapping per their January recommendations (i.e., to hold the “severe” line at levees and establish “moderate” zones behind them). For the immediate near term, the following terminology will apply: 1) “Active” – to denote those areas initially mapped by Pierce County as “severe” and not converted under the new CAC mapping recommendations; 2) “Potential” – to



denote those areas initially mapped as “severe” but converted to “moderate” under the new recommendations because they’re behind a levee; and 3) “Everything Else” – to denote those areas initially mapped by Pierce County as “moderate” and “low.” The CAC’s intent is to regulate only those areas in the “active” and “potential” hazard areas.

The CAC’s discussion focused primarily upon development in the “active” CMZ hazard area. Most of their recommendations emphasized easing current restrictions to allow more leeway for property owners in high hazard CMZs, including allowing some fill activities, construction of new structures (especially non-residential structures such as garages) and greater modification of existing structures (particularly if the structure’s footprint is not enlarged).

The group’s discussion is reflected more fully on pages 4-6 of these notes. The question of migration intervals was not taken up at this time. Development standards and regulations for “potential” hazard areas will be addressed more fully at the March 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

Tom: Continue working with CAC members to develop the letter to property owners

PC Staff: 1) Distribute meeting materials (agendas, notes, etc.) prior to the next meeting date; 2) Work with Chair to develop agenda for March

Parking Lot for Future Meetings

No parking lot items added at this time.

Next Meeting

Wednesday, March 4th, 6:30-8:30 p.m. at the Central Maintenance Facility (*Objective: Complete discussion of regulations as they apply to Pierce County CMZs – development in “potential” and “everything else” channel migration hazard areas*)



CAC Discussion of Pierce County CMZ Management: Regulations and Development Standards

What regulations and development standards should apply to CMZ hazard areas in Pierce County? How should different types of development and different levels of channel migration risk be accounted for? (See matrix on page 6 as a potential discussion framework.)

- New development should meet new flood elevation criteria in all 3 hazard areas – this condition already exists for structures in the floodplain, and might not prevent channel migration damage – maybe moderate then?
- Is it useful to distinguish between residential/commercial/recreational as potential divisions for “new” in all 3 Channel Migration Zone areas? (FEMA provides different levels of insurance)
- Commercial development is allowed in the floodplain (but not in the floodway)
- When we talk about “floodways” we mean FEMA floodways, areas of Deep and Fast flowing water, and Channel Migration Zones
- Possible recommendation: in the severe CMZ, everything should be mobile/movable?
- Do we want to risk any permanent structures in areas where river may soon be?
- In permitting building in severe zone, does Pierce County assume any liability for damage/losses?
- Much property in the severe CMZ is privately held.
- Remember: Some areas will be “no build” even if not CMZs (e.g., FEMA floodways, deep and fast flowing floodways) – 65% of Channel Migration Zone is also another floodway – all Land Uses underlie
- Permitting: Should more stringent regulations apply? Yes

What are the implications of changing the mapping of CMZs such that the severe hazard area cannot extend to include those areas behind levees? (See recommendations developed in January.)

- If we limit mapping of severe areas to the levees, then does “converted severe” become “moderate?” And does moderate become inclusive of all mapped moderate areas? May result in more area/properties being regulated than currently.
- Maybe reduce all lines? (e.g. severe becomes moderate, moderate becomes low)
- Maybe call new area moderately severe, not just moderate?
- Only regulate those “moderate” areas converted from “severe” (i.e. no new area is regulated)
- Everything ratchets over? (severe to moderate, moderate to low, low to no hazard)
- If it’s not regulated now, it should not be regulated in any future mapping of severe.
- Assumption is that levees will remain in place; that’s what converts “severe” to “moderate”
- Notice on Title as way to notify potential buyers of “moderate” Channel Migration hazard – “moderate” as advisory? This can prevent tough decisions later on.
- Hold “moderate” to old “severe” line
- What about the old “moderate” line?



- Right now, severe, moderate and low are all mapped in Pierce County; currently different regulations only apply to the severe areas.
- Label “Moderate” should only be applied to those areas previously mapped as severe
- When we talk about “man made structures,” do we really mean “levees?”
- Reaches with no levees would see no change from the current severe/moderate line
- Is the terminology confusing? Use of word “moderate” vs. a new term?
- Is there a benefit to asking someone in a CMZ to elevate their structure? None?
- Flooding is not the same as channel migration. Flooding is temporary wettedness. In channel migration, the channel stays there.
- By choosing to draw the “severe” lines at the levees, we’re saying, “Levees will be maintained to XYZ standards. Find a way to fund them.” Yes.
- Potential change in terminology: Severe = “active”; new moderate = “potential” (to denote risk)
- Is this better than “moderate?” Lots of other “moderates” in code.
- If not forever, good distinction to use for now

How do CMZs compare to other regulated floodways in Pierce County?

- Remember: Not all deep and fast floodways (DFF) are in severe CMZ hazard areas because they’re different concepts and require separate analysis.
- The DFF designation is used in many Counties across Washington (King, Pierce, Thurston, etc.). State sets guidelines; DFF in Pierce County are based on current FEMA mapping and are regulated as Floodways/“no-build” zone. There are 3 no-build zones:
 1. FEMA floodways
 2. deep and fast floodways (DFF)
 3. Pierce County severe CMZ
- Deep and fast floodways may be in a low Channel Migration Zone hazard area, but would still be regulated as “no-build”
- PC regulations specify which rivers should have CMZ mapping (7 river systems)
- Lots of layers of regulations apply to any given area; Channel Migration Zone hazard is only one of these (e.g., shoreline, wetland, other floodways, other critical areas)
- Have to ask ourselves, “What special risks/hazards are associated with CMZs?”
- All layers (see above) are independent; if any of the layers say “no-build,” the answer is still “no” (i.e., most restrictive regulations apply)
- What if there’s no levee? “Severe” still stays “severe”
- In CMZs, what do/don’t we allow? Everyone on the group is an existing landowner

What development activities should be allowed in mapped “active” (severe) CMZ hazard areas?

- For today, let’s focus on the “Active” CMZ hazard area – meaning behind a levee. First discussion is about new development (see matrix)
- There are currently 8 exceptions/allowances in Pierce County Code to “no-build” restrictions in severe CMZs:
 1. Development and fill that doesn’t require a permit
 2. Some agriculture (no structures, fill)
 3. Parks and Recreation (no structures, fill)
 4. Recreational Vehicles that are highway ready



5. Habitat Enhancement/stream restoration activities
 6. Rehabilitation and upper story additions
 7. Private bridges can cross severe CMZs, with some conditions
 8. Some non-conforming uses
- What about water-related uses?
 - Context for understanding Pierce County rules: They're first written for EVERYTHING, then make exceptions, then have variance process (e.g., water structures for hatchery)
 - A problem with definitions of "substantial damage" because repair/improvement does not compare dollar for dollar (i.e., cost vs. increased value)
 - Improvement is not the same as repair for damages
 - FEMA does not want you to pay more than 50% pre-damage value into repairs – calculated for the building (structure) only (valuation of property not included)
 - Title 18E.20.070 – Are carports, garages on lots with houses considered "improvement" or "new development?"
 - Is the footprint limit really useful? It's only a Pierce County rule.
 - Recommendation: strike non-residential structures (garages, sheds, carports) from "new development" and change the definition of "improvement" to include new garages.
 - Recommendation: strike limits against expanding current footprints
 - The current PC policy goal is to reduce all flood losses (FEMA only reimburses primary structures. People can take out additional insurance to cover additional structures.)
 - Remember that some exceptions are currently made for agricultural structures.
 - Can garage construction be a variance?
 - Can people just assume responsibility for what they want to build?
 - Can we just allow increase home up to 125%?
 - Replacement: may need to make a distinction between cause and damage.

(Shift of discussion focus to matrix on next page)



CMZ CAC Suggested Discussion Framework: Regulation Standards in Pierce County CMZ Hazard Areas

How should development standards and regulations reflect differences in: 1) Type of development; and 2) CMZ hazard severity?

Development/CMZ Hazard	“Active” (Areas where no levee exists - Severe)	“Potential” (Previously severe areas behind levees - Moderate)	“Everything Else” (Areas currently mapped as Moderate or Low and that are not currently regulated)
<p>New Development – Vacant land with an intent to build; lots may be existing or subdividable; new structures on already-developed lots would also fall into this category (e.g., garages, tool sheds, etc.)</p>	<p><i>e.g., Not allowable</i> Not allowed? Agricultural & Recreational development should be allowed (some <i>is</i> currently allowed) Allow: - non-permanent structures - Water-related structures - Some filling</p>	<p><i>e.g., Allowable if conditions X, Y and Z are met</i></p>	<p><i>e.g., Unrestricted</i></p>
<p>Improvement – Substantial improvements to existing structures include any remodels or modifications that increase the structure’s value by 50% or more over a five-year period; may or may not increase the footprint of the structure; designated Historic Places and correction of code violations are not included in this category (see Title 18E.20.070)</p>	<p>Allow: - 2nd story additions - Enlargement of footprint - Some filling Garages, carports and other non-residential structures should be allowed as improvement (vs. “new development”) Improvement of historic structures should be addressed through the variance process</p>		
<p>Replacement – Repair, rebuilding or replacement of an existing structure after it has been damaged; Damage may be sustained by channel migration, flooding, or other causes (e.g., fire, earthquake, landslide, etc.)</p>	<p>Allow fill to the previous (pre-flood) grade if it washes away Replacement should be allowed if damage is due to fire or other non-water related event? Replacement of historic structures should be addressed through the variance process</p>		

