

ORDINANCE NO. 958-B

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,
ESTABLISHING A ZERO-RISE POLICY, AND ESTABLISHING
AN EFFECTIVE DATE HEREOF.**

WHEREAS, the City of Chehalis has experienced significant flood events in the recent history of the Chehalis Basin; and

WHEREAS, the City of Chehalis recognizes that with climate change there appears to be an increased potential for the increased severity of flooding in the Chehalis Basin; and

WHEREAS, the City of Chehalis has been an active member of the Chehalis Flood Authority since its inception in 2008; and

WHEREAS, the City of Chehalis recognizes its important relationship as a partner, contributor, and solver of flood damage reduction and fish habitat issues within and among the Chehalis Basin Flood Authority and our many communities; and

WHEREAS, the City of Chehalis recognizes construction fill is commonly associated with development within a city, and at times fill may occur in the 100 year floodplain and may have an impact upon our citizens, businesses and Chehalis Basin partners; and

WHEREAS, the City of Chehalis is establishing a "Zero-Rise Policy" within the approved floodplain in its efforts to create no significant impact downstream caused by fill in the floodplain; and

WHEREAS, the City of Chehalis has determined that the boundary of the flood of record as mapped by the Chehalis Basin Flood Authority shall serve as the boundary map for the 100 year floodplain; and

WHEREAS, the City of Chehalis recognizes the critical role and contribution the development and business community have in the City and a "Zero-Rise Policy" should not be overly burdensome. **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. AN ORDINANCE establishing a "Zero-Rise Policy" within the approved floodplain within the city shall exist to limit the impact downstream caused by fill in the floodplain and is established by Ordinance under Section 17.22.035 of the Chehalis Municipal Code.

Section 2. AN ORDINANCE relating to fill and a zero net rise in the base flood elevation (BFE) within the 100 year floodplain as identified by the flood of record flood boundary map created by the Chehalis Flood Authority; and adding CMC 17.22.035.

17.22.035 Zero-Rise Policy

(a) A "Zero-Rise Policy" means any project in a floodplain must be reviewed to determine to not increase flood heights.

(b) Any fill material over 500 cubic yards cumulatively placed within a floodplain shall require compensatory excavation necessary to achieve zero net rise.

(c) Any fill greater than 500 cubic yards as measured cumulatively within the 100 year floodplain shall require a P.E. stamped engineering report identifying the findings on the impact of the BFE in terms of impacting the height of the BFE based on the proposed fill project. The engineer will evaluate the impact referencing the latest HEC-RAS hydraulic modeling or other available modeling consistent with current hydraulic modeling.

(d) If an engineering report shows a rise in the BFE, the applicant shall provide compensatory excavation. The compensatory site must remain as a compensatory site in perpetuity. However, if the fill site is behind the airport levee, the compensatory site must function as such, or until the levee is raised utilizing NGVD29 with a BFE of 182 feet. It shall be the applicant's responsibility to obtain a compensatory fill site and secure such site prior to commencing fill.

(e) The compensatory fill site shall be recorded as such with the Lewis County Auditor.

(f) The requirement of compensatory fill is waived if an engineering report is provided from a professional engineer stating there will be no rise in the BFE due to the proposed fill. The report shall be stamped by the P.E.

(g) If the engineering report shows a rise in the BFE due to the proposed fill, in lieu of compensatory excavation, the applicant may contribute funds for flood mitigation or aquatic species enhancement projects within the Chehalis River floodplain, so long as the projects are on the Chehalis River and its associated floodplain within the City of Chehalis limits. The City of Chehalis shall establish by resolution a list of Chehalis Basin Flood Authority approved projects and a formula for contribution to fund such projects.

Section 3. This effective date of this Ordinance shall be the 17th day of May, 2016.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its mayor, at a regularly scheduled open public meeting thereof this 9th day of May, 2016.

Dennis L. Darwey
Mayor

Attest:

Janeba Shaw
City Clerk

Approved as to form and for content:

[Signature]
City Attorney