

## FLOODPLAIN DEVELOPMENT APPLICATION PACKET

**This application packet can be used for a Floodplain Development Permit and a Letter of Map Amendment. More requirements for each of these applications are discussed below in the information section of the application packet. Details on the required submittal items are included on the attached Floodplain Development Permit Application.**

### FLOODPLAIN DEVELOPMENT PERMIT INFORMATION

#### **When is a Floodplain Development Permit required?**

A Floodplain Development Permit is required prior to conducting development activities within the Regulated Floodplain (“development” as defined in *Federal Way Revised Code* (FWRC) 15.15.040). The Regulatory Floodplain is the area of land subject to inundation by the base flood (Special Flood Hazard Area), and the Protected Area (the lands that lie within the boundaries of the floodway, the riparian habitat zone, and the channel migration area). The City of Federal Way has developed a reference map to assist applicants in locating the Regulatory Floodplain. A hard copy of the map can be found at the City of Federal Way Permit Center or a digital version can be accessed online at FEMA’s website.

#### **Compliance with SEPA**

Development that is subject to a Floodplain Development Permit may also require SEPA checklist review. For a detailed explanation of the city’s environmental policy, refer to FWRC Title 14.

#### **Exemptions**

Activities that do not meet the definition of “development” (Non-development Activities) are allowed in the Regulatory Floodplain without the need for a floodplain development permit, as long as all other Federal, State, and local requirements are met. The following are examples of activities not considered development:

1. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
2. Removal of noxious weeds and hazard trees and replacement of non-native vegetation with native vegetation;
3. Normal maintenance of structures, such as re-roofing and replacing siding, as long as such work does not qualify as a substantial improvement;
4. Normal maintenance of above ground public utilities and facilities, such as replacing downed power lines;
5. Normal street and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, but not including expansion of paved areas;
6. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility; and

**Habitat Assessment**

Most developments in the Regulatory Floodplain will require a habitat impact assessment, which examines the effect of the project on water quality and aquatic and riparian habitat (assessment). If the habitat impact assessment concludes the project is expected to have an adverse impact on water quality or aquatic or riparian habitat or habitat functions, the proposed project must be modified to eliminate those adverse impacts. Mitigation is only allowed for projects outside of the protected area. Where mitigation is proposed outside a protected area for impacts created by the project in a habitat, the applicant shall provide a habitat mitigation plan to mitigate those impacts in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010.

For projects or those portions of a project located within the protected area, the project shall be revised to include such appropriate measures as are needed to ensure that there is no adverse effect due to the project. The City may require third-party review of the report(s) paid by the applicant.

**Critical Areas**

Projects in the City's shoreline jurisdiction will be subject to the City's shoreline regulations FWRC Chapter 15.05 '*Shoreline Management*' and the City's adopted Shoreline Master Program. Projects that involve work within critical areas (e.g., wetlands, streams, steep slopes) will require the submittal of a critical areas report as described in FWRC Chapter 15.10. If both a habitat impact assessment and a critical areas report are required, these reports can be combined as long as all requirements are addressed.

**How long are floodplain development permits valid?**

If there has been no start of construction, a floodplain development permit shall expire 180 days after the date of issuance. Where the applicant documents a need for an extension beyond this period due to conditions beyond the applicant's control, the Floodplain Administrator may authorize one or more extensions.

**Letter of Map Amendment Information**

More information about FEMA's application requirements and process for Letter of Map Amendments (LOMA) can be found at FEMA's website.