

CITY OF PULLMAN  
COUNCIL CHAMBERS

COUNCIL MEETING  
AGENDA

JANUARY 19, 2010  
7:30 p.m.

**City Motto:** HIGH Tech, HIGHER Education, HIGHEST Quality of Life

**City Mission Statement:** The mission of the City of Pullman is to provide the highest quality of life through essential infrastructure, public safety, recreation, and welcoming growth within the constraints of fiscally responsible government.

The Pullman City Council welcomes you to tonight's meeting. The Council appreciates and encourages public participation. For regular agenda items, an opportunity for public comment is usually provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item; therefore, the Mayor may exercise discretion in deciding when to allow public comment during the course of the proceedings and limitations will be placed on the time allowed for comments. Citizens wishing to comment on business which is not on the agenda will be provided the opportunity to do so under NEW BUSINESS. If you plan to address the Council, you will find a list of "Tips for Addressing the Council" on the public information table in the City Council Chambers. Thank you for your interest in City government.

- A. Roll Call: \_\_\_\_\_ Francis Benjamin                      \_\_\_\_\_ Barney Waldrop  
                                 \_\_\_\_\_ Keith Bloom                      \_\_\_\_\_ Nathan Weller  
                                 \_\_\_\_\_ Jeff Hawbaker                      \_\_\_\_\_ Pat Wright  
                                 \_\_\_\_\_ Bill Paul
- B. Announcements
- C. Employee Introduction - Cheryl Brinkley, Adult Services Librarian
- D. Consent Agenda

The items listed under the Consent Agenda are considered to be routine in nature and will be enacted by a single motion of the Council without separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by Council action.

**Motions**

1. Dispense with the reading of the minutes of the regular meeting of January 12, 2010, and approve them as submitted.

### Resolution

2. Resolution No. R-4-10 - A RESOLUTION ACCEPTING THE BID OF SCHNEIDER EQUIPMENT, INC. FOR WELL NO. 6 PUMP REPLACEMENT AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROPERTY

### Ordinances

3. Ordinance No. 10-1 - AN ORDINANCE ACCEPTING A RESTRICTED MONETARY DONATION FROM INLAND NORTHWEST COMMUNITY FOUNDATION FROM THE SHIRROD FAMILY MEMORIAL FUND TO THE NEILL PUBLIC LIBRARY TO SUPPORT THE SHIRROD HERITAGE ADDITION.
4. Ordinance No. 10-2 - AN ORDINANCE OF THE CITY OF PULLMAN, WASHINGTON, RELATING TO FLOODPLAIN MANAGEMENT, AMENDING PULLMAN CITY CODE SECTIONS 17.100.020, 17.100.030, 17.100.040, 17.100.050, 17.100.060, AND PULLMAN CITY ORDINANCE NOS. 87-9 §1, (1987), 89-1 §§1, 2, 3, 4, 5, 6 (1989); 89-10 §§1, 2, 3, 4 (1989); 01-5 §§11, 12 (2001); AND OTHER MATTERS PROPERLY RELATED THERETO.

## E. Regular Agenda

### Resolutions

- 5a. Resolution No. R-5-10 - A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A WATER REUSE GRANT FROM WASHINGTON STATE DEPARTMENT OF ECOLOGY.
- 5b. Resolution No. R-6-10 - A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND J-U-B ENGINEERS, INC. FOR THE PURPOSE OF COMPLETING THE WASTEWATER REUSE SYSTEM DESIGN UPDATE PROJECT.
- 5c. Resolution No. R-7-10 - A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND TAYLOR ENGINEERING, INC. FOR THE PURPOSE OF PROVIDING PROFESSIONAL ENGINEERING SERVICES FOR THE SOUTH FORK OF THE PALOUSE RIVER RIPARIAN RESTORATION PROJECT.

### Discussions

6. Presentation by Pullman School Superintendent Paul Sturm
7. WSU Capital Planning Presentation
8. Joint Meeting with ASWSU.
9. Current Economic Conditions
10. City Financial Update

F. New Business

Members of the public may bring items of new business to the attention of the Council under this agenda item. However, we strongly encourage advising the Mayor or City Supervisor of your intention prior to the meeting to ensure the item is properly an item of new business and, if not, if the matter could be addressed in some other manner.

G. Tentative Council Agenda for January 26, 2010 - Canceled

Tentative Council Agenda for February 2, 2010

Election of Mayor Pro Tempore and Alternate Mayor Pro Tempore  
Discussion of 2010 Goal-Setting Schedule  
Whitman County Solid Waste Presentation  
Employee Recognition

Tentative Planning Commission Agenda for January 27, 2010

Vacation of a portion of West Street  
Discussion of Anticipated 2010 Planning Activity  
Election of Officers

Tentative Board of Adjustment Agenda for February 15, 2010

No Business at this time

THE COUNCIL CHAMBERS ARE ACCESSIBLE TO PERSONS WITH DISABILITIES. PERSONS REQUIRING SPECIAL ACCOMMODATIONS, SHOULD CONTACT THE FINANCE DEPARTMENT BEFORE 5:00 P.M. THE MONDAY PRECEDING THE COUNCIL MEETING. THE FINANCE DEPARTMENT IS LOCATED ON THE FIRST FLOOR OF CITY HALL, 325 SE PARADISE STREET, PULLMAN, WA 99163. TELEPHONE NUMBER 338-3209 or 338-3208, FAX NUMBER 334-2751, ADD NUMBER 7-1-1.



MINUTES OF THE CITY COUNCIL  
OF THE CITY OF PULLMAN  
JANUARY 12, 2010

**Roll Call**

A regular meeting of the City Council of the City of Pullman was held on January 12, 2010, at 7:30 p.m. in Council Chambers, City Hall, Pullman, Washington with the following present:

Glenn A. Johnson	Mayor
William F. Mulholland	Finance Director
Francis Benjamin	Councilmember
Keith Bloom	Councilmember
Jeff Hawbaker	Councilmember
Barney Waldrop	Councilmember
Nathan Weller	Councilmember
Pat Wright	Councilmember

**Call to Order**

Mayor Johnson called the regular meeting to order at 7:30 p.m. Councilmember Bloom moved, Councilmember Benjamin seconded to excuse Councilmember Paul from the meeting.

Motion Carried.

**Announcements**

Mayor Johnson made two announcements.

**Confirmation of  
Appointment**

Mayor Johnson announced that he had appointed Dave Gibney, 760 Reaney Way, to a term on the Planning Commission expiring December 31, 2015. Councilmember Wright moved, Councilmember Bloom seconded to confirm this appointment. The motion carried unanimously.

**Reports**

**Business and Rental  
Registration  
Update**

Mayor Johnson announced that a report is scheduled on business and rental registration. Police Chief Weatherly presented a report on the status of licensing. He stated that at the time of his January 6, 2010, report they had a total of 55 responses and today they have had 85 responses. Chief Weatherly complimented Support Services Manager Reavis on a great job of keeping up with the registrations.

Police Chief Weatherly introduced Support Services Manager Reavis who presented an overview. Ms. Reavis stated that keeping up-to-date, accurate account records was the number one

priority and accumulating this information was a slow process. Overall results will be well worth it when it is done. She stated she has received positive reaction from the public when reasons for the license were explained.

Councilmember Wright asked if more positive reaction occurred within Pullman or outside. Support Service Manager Reavis responded that it was pretty much balanced.

Mayor Johnson asked Police Chief Weatherly to give a brief overview of a high-speed chase that occurred over the weekend. Police Chief Weatherly gave an overview of the chase and stated that one of the patrol cars was damaged. He said that outside of a couple of bruises and some scrapes there are no injuries, so it was a successful stop.

#### 2010 Goal-Setting Report

Mayor Johnson announced that a report is scheduled on 2010 goal-setting. City Supervisor Sherman went through the process for 2010 goal-setting, the 28<sup>th</sup> year, and asked the Council, citizens, and employees to submit their goals by January 29, 2010.

#### ORDER OF BUSINESS

Approval of Recommendations of Consent Agenda  
Items

#### CONSENT AGENDA

Mayor Johnson reviewed the items on the Consent Agenda with the Council and audience. He stated that items listed on the Consent Agenda are considered to be routine in nature and will be enacted by a single motion of the Council without separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by Council request. Councilmember Bloom moved, Councilmember Weller seconded to read the items on the Consent Agenda by title only.

Motion Carried.

City Attorney McAloon read the items on the Consent Agenda by title only. Mayor Johnson asked if there were any requests for removal of items from the Consent Agenda from either the Council. There were none. Councilmember Waldrop moved, Councilmember Wright seconded to adopt the Consent Agenda.

Motion Carried.

## Motions

- Minutes - December 8, 2009      1.      The Council dispensed with the reading of the minutes of the regular meeting of December 8, 2009, and approved them as submitted.
- Accounts Payable, Payroll, and Electronic Transfers - January, 2010      2.      The Council approved disbursements represented by accounts payable checks numbered \_\_\_\_\_ through \_\_\_\_\_ totaling \$ \_\_\_\_\_ inclusive, payroll checks numbered \_\_\_\_\_ through \_\_\_\_\_ totaling \$ \_\_\_\_\_ inclusive, and electronic transfers totaling \_\_\_\_\_ and directed that they be paid upon approval of the Auditing Officer and Audit Committee.
- Claim for Damages - Landgren      3.      The Council referred a Claim for Damages submitted by John E. Landgren for the sum of \$600.00 to Washington State Transit Insurance Pool (WSTIP).
- Accelerated Streets Resurfacing Complete      4.      The Council accepted as complete Contract No. 09-04, Accelerated streets Resurfacing 2009.
- Change Order on Tank 10 Construction      5.      The Council ratified Change Order No. 2 to Contract No. 08-06, Tank 10 Construction.
- Paramedic Agreement with Pullman Regional Hospital      6.      The Council approved a Paramedic Services Agreement with Pullman Regional Hospital for 2010.
- Purchase of an ADA Van      7.      The Council approved the purchase of one ADA accessible maxi-van for Pullman Transit from Schetky Northwest Sales, Inc.
- 2010 Fuel      8.      The Council accepted the bid of Grange Supply Company, Inc. to furnish fuel for 2010.

## Resolutions

- Resolution No. R-1-10 - Stormwater      9.      Resolution No. R-1-10  
A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND OTAK, INC. FOR THE PURPOSE OF PROVIDING SUPPORT FOR THE STORMWATER-UNDEVELOPED PROPERTY ANALYSIS PROJECT.

Resolution No. R-1-10 was adopted unanimously.

Resolution No. 10.  
R-2-10 - Design for  
City Hall Second  
Floor Remodel

Resolution No. R-2-10

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ARCHITECTURAL SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND DESIGN WEST ARCHITECTS, PA FOR THE PURPOSE OF PROVIDING DESIGN SERVICES FOR THE CITY HALL SECOND FLOOR REMODEL PROJECT.

Resolution No. R-2-10 was adopted unanimously.

Resolution No. 11.  
Transit Break  
Facility Project

Resolution No. R-3-10

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ARCHITECTURAL SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND PALOUSE DESIGN ASSOCIATES, PLLC FOR THE PURPOSE OF PROVIDING ARCHITECTURAL DESIGN SERVICES FOR THE TRANSIT BREAK FACILITY PROJECT.

Resolution No. R-3-10 was adopted unanimously.

## **REGULAR AGENDA**

### **Public Hearing and Motion**

Prezone 12.  
Designations for  
Approximately 515  
Acres of Land

Mayor Johnson announced simultaneous public hearings are scheduled to consider a request for the establishment of prezone designations on approximately 515 acres of land. Planning Director Dickinson presented the staff report and stated that the subject property is approximately 515 acres. 432.9 of these acres are zoned R2, 67.5 acres are zoned 1L, and 14.7 acres are zoned C3. He stated this will all fit in with the City's Urban Growth Plan Area. He stated that the Planning Commission had conducted hearings and they recommended the zoning of R2 be changed to R1. Councilmember Waldrop asked if this plan complied with the County's Urban Growth Area Plan. Planning Director Dickinson stated that the County does not have a Urban Growth Area Plan. Mayor Johnson opened the public hearing.

Ken Duft stated he has lived 40 years in northwest Pullman and opposes the R2 designation. He stated that R2 would allow up to 15 houses per acre and that would be way too many people. He stated he supported the proposal to move the zoning to R1, but we still need to look at the size, magnitude, and the problems that would occur along Briggs Road which basically could not handle the additional traffic. He also thought that the zoning was not consistent with the long-range plans of the community. He further stated



that the North Bypass of 195 would go through this area and would create additional problems.

Jeff Igielski stated that he lives 2 or 3 miles from the property and the number of units in the R2 proposal would clog all the existing roadways which are cramped now. The lifestyle would change in the Pullman area and he did not feel it would fit in with the Pullman Comprehensive Plan as cited in Chapter 6. He stated that Armstrong Road would also be affected by this.

Rylee Dustin stated she was concerned with water problems in the area. She stated there are already several homes where the springs have failed and they had to dig new wells because of the lower water level. She is concerned that the water that we have will not be able to supply or support this level of housing.

Janice Brown stated that there is talk of Pullman and Moscow becoming a metropolitan area for census purposes and she wanted to know if that would affect the Urban Growth Plan. Planning Director Dickinson stated that it would have no affect.

Becky Thorgaard stated she is concerned about the effect on the wetlands and endangered species. She thinks we need an impact study on how this will affect the area and also look at how to maintain the integrity of the area. She also discussed water issues and the delicate ecological system. She stated that R2 would have a huge impact on both these items.

Barbara Grutzmacher had a letter she wanted entered into the public record. She is concerned that this had been an agricultural area and houses would impact upon that. She also brought up the March 1999 Pullman Comprehensive Plan and stated that on page 1, Chapter 4, Pullman Future Vision, it states that whenever possible, a development occurs on land already situated within the City in order to reduce sprawl. There is great awareness of the City's location in the heart of this rich agricultural area.

Julia Cohen stated that agricultural land should be preserved to the greatest extent possible. Turning agricultural areas into City property has affected original Palouse wetlands and species that made it unique. She also stated that there is very little left of the original

Palouse area that wasn't taken over by farmland and she thought this would be a travesty to continue on with this zoning. She would like to see this made a conservatorship instead of developing the land. She invited people to come look at her property to see what the original Palouse looked like.

Amanda Stahl stated she moved to Pullman last year for the quality of life and the open spaces and she is concerned about the environmental impact and health issue with the R2. She favors the R1 as it would have less of an impact.

Mayor Johnson closed the public hearing.

Councilmember Bloom moved, Councilmember Waldrop seconded to set February 23, 2010, as the date for the second set of public hearings on this matter. The motion carried unanimously.

### Discussions

Public Safety      13.  
and Community Event  
Notifications  
Update

Mayor Johnson announced that a discussion on Public Safety and Community Event Notifications Update is scheduled. Police Chief Weatherly stated that this had been presented at the October 13 meeting, on the utilization of Nixle which is a free service for notifications in the community. The Council requested that he get more information on the company, concerns about citizens providing information which Pullman has no control over, and responses from other police agencies on length and time of use and satisfaction. He presented information on this organization and discussed the privacy statements, a copy of the terms of service, and his inquiry of agencies about knowledge of Nixle. He contacted four agencies that gave testimonials on the Nixle service and as far as providing information which Pullman has no control over there are no problems with the individuals he talked to. It contains no information about the subscribers and they do not have to authenticate anything.

Chief Weatherly advised he contacted six agencies and they were all using Nixle and there were no negatives reported. Chief Weatherly had an article from the Spokesman Review on a \$100,000 system that they are testing. He pointed out that there was no cost to the City for Nixle.

Councilmember Bloom wanted to know who sends out the messages through the system. Chief Weatherly stated it would be a sergeant or above. Councilmember Weller asked about external links and who are the companies involved or could be involved with it. Chief Weatherly stated that this is controlled by the individuals entering into the system and they can limit and at any time leave the system. Councilmember Bloom stated it has no real effect on anyone and they are using it at their own risk. They can join and leave without any costs and he sees no problem.

Chief Weatherly asked the Council for a motion to proceed. Councilmember Bloom moved, Councilmember Weller seconded to allow the Police Department to proceed with Nixle.

City Council 14.  
Board and Commission  
Assignments

Mayor Johnson announced that a discussion on Council Committee Board and assignments is scheduled. Councilmember Hawbaker was assigned to the Audit Committee. Councilmember Weller is no longer on the Audit Committee but will be on the Palouse Knowledge Corridor and the Whitman County Blue Ribbon Task Force. He will also stay on the Whitman County Law and Justice Council.

Councilmember Bloom, Paul, and Waldrop will remain the same. Councilmember Wright will be on the Audit Committee and the Lodging Tax Committee.

2010 Legislative 15.  
Priorities

Mayor Johnson announced that a discussion is scheduled on 2010 Legislative Priorities. City Supervisor Sherman presented the staff report with eight items for consideration.

Councilmember Bloom moved, Councilmember Weller seconded to take these eight items to the legislature at the January conference. The motion carried unanimously

**NEW BUSINESS**

Mayor Johnson asked if there was any new business from either the Council or audience. There was none.

**EXECUTIVE SESSION**

Mayor Johnson announced that the Council would adjourn to Executive Session for:  
Conferring with legal counsel representing the City concerning potential litigation that the City reasonably believes may be commenced by or against the City, the governing body, or a member acting in an official capacity; and to discuss

the strategy or position to be taken by the City during the course of collective bargaining or grievance proceedings.

Mayor Johnson adjourned the meeting at 8:37 p.m. and announced that the Council would take a five-minute recess and return in approximately thirty minutes. The time was extended an additional thirty minutes.

Mayor Johnson reconvened the regular meeting at 9:42.

**ADJOURNMENT**

Councilmember Hawbaker moved, Councilmember Wright seconded to adjourn the regular meeting of the City Council.

Motion Carried.

Mayor Johnson adjourned the regular meeting of the City Council at 9:42 p.m.

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Mayor

ATTEST:

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Finance Director

2.

RESOLUTION NO. R-4-10

A RESOLUTION ACCEPTING THE BID OF SCHNEIDER EQUIPMENT, INC. FOR WELL NO. 6 PUMP REPLACEMENT AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROPERTY

NOTES:

# REQUEST FOR COUNCIL ACTION

For Meeting of: 01/19/10

## ACTION REQUESTED:

Award the Well No. 6 Pump Replacement contract.

## BACKGROUND:

The scope of contract 09-18 provides for furnishing and installing a new submersible pump and column pipe in Well No. 6 located on Larry Street at Grand Avenue. The pump will have a performance capacity of 650 gallons per minute into the north intermediate pressure zone. A submersible pump is being installed instead of a standard turbine pump because there is a slight misalignment in the well bore hole between 290 and 300 feet that periodically caused problems with the turbine pump assembly being replaced. Bids for this project were opened on January 13, 2010 with four bids received. The low bidder was Schneider Equipment, Inc. from St. Paul, Oregon at \$39,832.10. The Engineer's Estimate was \$36,975.40. A copy of the bid summary is attached for reference. Funding for this project will be from the Water Budget of the Utility Fund.

## RECOMMENDATION:

Adopt the attached resolution awarding contract 09-18, Well No. 6 Pump Replacement, to Schneider Equipment, Inc. for the bid amount of \$39,832.10.

## FISCAL IMPACT:

\$39,832.10
401.3400.501.34.31.20
BARS Code Number

## SUBMITTED BY:

Name Mark Workman  
Title Public Works Director  
Dept. Public Works

## ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Resolution R-4-10
2. Bid Summary

## REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>1/14/10</u>
City Supervisor	<u>MSA</u>	<u>1/15/10</u>
City Attorney	<u>Chad</u>	<u>1-14-10</u>
(As to Form)		

RESOLUTION NO. R- 4 -10

A RESOLUTION ACCEPTING THE BID OF SCHNEIDER EQUIPMENT, INC. FOR WELL NO. 6 PUMP REPLACEMENT AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

WHEREAS, Schneider Equipment, Inc. submitted the low bid for Contract No. 09-18 for Well No. 6 Pump Replacement in the amount of Thirty-Nine Thousand, Eight Hundred Thirty-Two and 10/100 DOLLARS (\$39,832.10); and,

WHEREAS, a contract has been prepared to provide for performance of said project; and,

WHEREAS, the City Council deems it to be in the best interests of the city of Pullman to enter into said contract; now, therefore,

IT IS HEREBY RESOLVED by the City Council of the city of Pullman that the bid of Schneider Equipment, Inc. for the above-described project be and it is hereby accepted.

BE IT FURTHER RESOLVED that the Mayor and the Finance Director be and they are hereby authorized and directed to execute the contract for said project and to deliver an executed copy thereof to Schneider Equipment, Inc.

BE IT FURTHER RESOLVED that pursuant to the provisions of RCW 46.90.265(2), the traffic engineer is hereby authorized to place and maintain official traffic control devices as the traffic engineer may deem necessary to regulate, warn, or guide traffic during construction.

IT IS FURTHER RESOLVED that the mayor is hereby authorized to take whatever further action is necessary, including but not limited to the execution of a Contractor's Escrow Agreement if requested by the Contractor, in order to effect the purposes of this resolution.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Glenn A. Johnson

ATTEST:

\_\_\_\_\_  
Finance Director  
William F. Mulholland

Approved as to Form:

\_\_\_\_\_  
City Attorney Laura D. McAloon

**ENGINEER'S ESTIMATE AND BID SUMMARY**  
**WELL NO. 6 PUMP REPLACEMENT**  
**BID OPENING 11/10/09**

ITEM NO.	BID ITEM	UNIT PRICE	Engineer's Estimate	Schneider Equipment, Inc.	Dickerson Pump & Irrigation Co., Inc.	Specialty Pump Service Inc.	Strom Electric, Inc.
1	Mobilization	L.S.	\$ 2,000.00	\$ 2,000.00	\$ 1,300.00	\$ 850.00	\$ 2,000.00
2	Submersible Well Pump and Piping	L.S.	\$ 29,300.00	\$ 34,060.00	\$ 37,253.14	\$ 37,598.00	\$ 38,200.00
4	Electrical	L.S.	\$ 3,000.00	\$ 890.00	\$ 800.00	\$ 1,650.00	\$ 1,500.00
SUBTOTAL			\$ 34,300.00	\$ 36,950.00	\$ 39,353.14	\$ 40,098.00	\$ 41,700.00
SALES TAX @ 7.8%			\$ 2,675.40	\$ 2,882.10	\$ 3,069.54	\$ 3,127.64	\$ 3,252.60
TOTAL			\$ 36,975.40	\$ 39,832.10	\$ 42,422.68	\$ 43,225.64	\$ 44,952.60



3.

ORDINANCE NO. 10-1

AN ORDINANCE ACCEPTING A RESTRICTED MONETARY DONATION FROM INLAND NORTHWEST COMMUNITY FOUNDATION FROM THE SHIRROD FAMILY MEMORIAL FUND TO THE NEILL PUBLIC LIBRARY TO SUPPORT THE SHIRROD HERITAGE ADDITION.

NOTES:

## REQUEST FOR COUNCIL ACTION

For Meeting of: January 19, 2010

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### ACTION REQUESTED

Pass the attached ordinance accepting a restricted monetary donation from Inland Northwest Community Foundation from the Shirrod Family Memorial Fund for the Neill Public Library Shirrod Heritage Addition.

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### BACKGROUND

This \$18,509 donation represents a partial distribution of the funds currently available through the Inland Northwest Community Foundation from the Shirrod Family Memorial Fund. Neill Public Library submitted a funding request for \$18,509 to be used for maintenance of the Heritage Addition.

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### RECOMMENDATION

Pass attached ordinance.

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### FISCAL IMPACT

\$ \_\_\_\_\_

BARS Code Number \_\_\_\_\_

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### SUBMITTED BY

### ATTACHMENTS FOR COUNCIL REVIEW/ACTION

Name John Sherman

1. Ordinance No. - 10-1

Title City Supervisor

Department Administration

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### REVIEWED BY

	Initial	Date
Department Head	_____	_____
City Supervisor	<u>JS</u>	<u>1-12-10</u>
City Attorney (As To Form)	<u>Wray</u>	<u>1-15-10</u>

ORDINANCE NO. 10-1

AN ORDINANCE ACCEPTING A RESTRICTED MONETARY DONATION FROM INLAND NORTHWEST COMMUNITY FOUNDATION FROM THE SHIRROD FAMILY MEMORIAL FUND TO THE NEILL PUBLIC LIBRARY TO SUPPORT THE SHIRROD HERITAGE ADDITION.

WHEREAS, Inland Northwest Community Foundation has designated a \$18,509 charitable distribution to be used to support the Neill Public Library Shirrod Heritage Addition; and,

WHEREAS, the city of Pullman has a present use for said \$18,509; and,

WHEREAS, this Council believes it would be in the best interests of the city of Pullman to accept said donation; now, therefore,

THE CITY COUNCIL OF THE CITY OF PULLMAN DO ORDAIN AS FOLLOWS:

SECTION 1: The city of Pullman hereby accepts the monetary donation of said \$18,509 from Inland Northwest Community Foundation pursuant to the authority granted by R.C.W. 35.21.100. The appropriate administrative officials of the city are authorized to take possession of said donation.

SECTION 2: Said donation shall be deposited into the General Fund for the Shirrod Heritage Addition: \$18,509 for maintenance services.

SECTION 3: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in The Daily News, the official newspaper of the city of Pullman.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

SIGNED by the Mayor in Authentication and Approval Thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Glenn A. Johnson

ATTEST:

\_\_\_\_\_  
Finance Director  
William F. Mulholland

Approved as to Form:

\_\_\_\_\_  
City Attorney Laura D. McAloon

Summary Published: \_\_\_\_\_



4.

ORDINANCE No. 10-2

AN ORDINANCE OF THE CITY OF PULLMAN, WASHINGTON, RELATING TO FLOODPLAIN MANAGEMENT, AMENDING PULLMAN CITY CODE SECTIONS 17.100.020, 17.100.030, 17.100.040, 17.100.050, 17.100.060, AND PULLMAN CITY ORDINANCE NOS. 87-9 §1, (1987), 89-1 §§1, 2, 3, 4, 5, 6 (1989); 89-10 §§1, 2, 3, 4 (1989); 01-5 §§11, 12 (2001); AND OTHER MATTERS PROPERLY RELATED THERETO.

NOTES:

## REQUEST FOR COUNCIL ACTION

For Meeting of: 01/19/10

### ACTION REQUESTED:

Adopt revisions to Floodplain Management District code.

### BACKGROUND:

Since 1987 the city of Pullman has participated in the National Flood Insurance Program under the Federal Emergency Management Agency (FEMA) as administered by the state Department of Ecology. The program requires that the City of Pullman have and administer an approved floodway/floodplain code. This has been adopted as Chapter 17.100 of Pullman City Code with the title of Floodplain Management District. This code regulates all construction within mapped floodways and floodplains within the city with the goal of minimizing damage during a flood event. In exchange for the city performing this regulatory function, the National Flood Insurance Program offers flood insurance at reduced costs compared to what it would otherwise cost. This becomes particularly important when financing is being sought for properties located within the mapped floodplain because lending institutions require flood insurance as a condition of making a loan. From time to time, the model floodplain ordinance for Washington is modified by FEMA and the city is required to incorporate these changes into our code in order to remain in compliance with the program and for local flood-prone properties to continue to be eligible for federally-backed flood insurance. Such changes have been made to the model ordinance and are now proposed for inclusion into the City's Floodplain Management District code. The attached ordinance, which will accomplish this, shows the proposed changes in legislative format. The proposed changes are mostly semantic in my view; they neither require significant additional effort or activity by the city beyond what we currently do nor do they add significant regulation to the building community beyond what it currently experiences. In addition to the required changes, reference to the correct building code is made and it is clarified that the public works director is the position that administers this code.

### RECOMMENDATION:

Pass the attached ordinance adopting revisions to the Floodplain Management District code.

### FISCAL IMPACT:

\_\_\_\_\_  
\_\_\_\_\_  
BARS Code Number

### SUBMITTED BY:

Name Mark Workman  
Title Public Works Director  
Dept. Public Works

### ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Ordinance No. 10-2

### REVIEWED BY:

	Initial	Date
Department Head	<u>mw</u>	<u>1/11/10</u>
City Supervisor	<u>[Signature]</u>	<u>1/15/10</u>
City Attorney	<u>[Signature]</u>	
(As to Form)		

S.R. #011

ORDINANCE NO. 10-2

AN ORDINANCE OF THE CITY OF PULLMAN, WASHINGTON, RELATING TO FLOODPLAIN MANAGEMENT, AMENDING PULLMAN CITY CODE SECTIONS 17.100.020, 17.100.030, 17.100.040, 17.100.050, 17.100.060, AND PULLMAN CITY ORDINANCE NOS. 87-9 §1, (1987); 89-1 §§1, 2, 3, 4, 5, 6 (1989); 89-10 §§1, 2, 3, 4 (1989); 01-5 §§11, 12 (2001); AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City of Pullman participates in the National Flood Insurance Program which allows federally-backed flood insurance to be purchased for flood-prone property; and,

WHEREAS, a requirement of participation in the National Flood Insurance Program is that the City of Pullman adopt and administer a floodplain management code substantially in conformance with a Model Ordinance for Washington State approved by the Federal Emergency Management Agency; and,

WHEREAS, modifications to said Model Ordinance for Washington have been made by the Federal Emergency Management Agency that the City of Pullman is required to adopt to continue participation in said National Flood Insurance Program; and, Adoption of said modifications has been recommended by Director of Public Works for the City of Pullman; now, therefore,

THE CITY COUNCIL OF THE CITY OF PULLMAN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1: Pullman City Code 17.100.020 and Pullman Ordinance Nos. 01-5 §11, 2001; 89-1 §1, 1989; 87-9 §1, 1987 are each hereby amended to read as follows:

17.100.020 Definitions. For the purpose of this Chapter, the following words and phrases shall have the following meanings:

- (1) Appeal. A request for a review of the interpretation of any provision of this ordinance or a request for a variance.
- (2) Areas of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- (3) Base Flood. That level of water reached by a flood within the city which has a one (1) percent chance of being equaled or exceeded in any given year, as depicted by or represented by the Flood Insurance Study.

- (4) Basement. Any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Uniform State Building Code.
- (5) Critical Facility. 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, installations which produce, use, or store hazardous materials or hazardous waste.
- (6) Development. Any man-made change to improved or unimproved ~~buildings~~ real estate or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials, located within the floodway or floodplain as defined in this Chapter. Development specifically includes the placement of manufactured homes on land, whether or not placement is within an existing or new manufactured home park.
- (7) Director. The Director of Public Works of the city of Pullman or his or her authorized representative.
- (78) Elevated Building. For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.
- (89) Existing Manufactured Home Park or Subdivision. 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 adopted floodplain management regulations.
- (910) Expansion to an Existing Manufactured Home Park or Subdivision. 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).

(1011) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from

(a) the overflow of inland waters; and/or

(b) the unusual and rapid accumulation of runoff of surface water from any source.

(1112) Floodplain Development Permit. The development permit required for any and all construction and/or development of land or buildings within the floodplain. It may also be referred to as "development permit."

(1213) Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated the base flood level and the risk premium zones applicable to the city.

(1314) Flood Insurance Study. That document compiled by the Federal Insurance Administration (FIA) entitled Flood Insurance Study ~~plus any maps~~, including flood profiles and the water surface elevation of the base flood maps, flood boundary and floodway maps, and ~~flood insurance rate maps issued by FIA~~ and as hereafter revised or amended.

(1415) Floodplain. The relatively flat areas or lowlands adjoining the channel of a river, stream, watercourse, lake, or other body of water, which have been or may be covered by flood water. For the purpose of this Chapter, "floodplain" includes those areas now or hereafter included within the city which is defined as "land within a community subject to a one (1) percent or greater chance of flooding in any given year" and as indicated on the Flood Profiles and the Flood Boundary and Floodway Maps included in the Flood Insurance Study. In the areas not included in said study, the floodplain includes all areas subject to floods at stream flow rates comparable to those set forth in the Flood Insurance Study as constituting the base flood level. The location of the floodplain may be revised by the director based on conditions which

may alter its location. Any such revisions may be based upon

- (a) data utilized in the Flood Insurance Study; and
- (b) changes in elevations of areas within the floodplain occurring since the last revision affecting such areas; or,
- (c) channel changes.

(1516) Floodplain Variance. A variance granted from the requirements of 17.100.050(3) and (8) of this Chapter. It does not include any variance granted under Chapter 17.130.

(1617) Flood Season. That period of time from the first day of December to the first day of April, or any other period of time based upon meteorological conditions which the Council by resolution may provide upon recommendation of the director.

(1718) Floodway. 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 one (1) foot at any point. For the purpose of this Chapter the present limits of the floodway are those designated on the ~~Flood Boundary and Floodway~~ Maps contained in the Flood Insurance Study Rate Maps. The location of the floodway may be revised by the director with concurrence from the FEMA regional office based on conditions which may alter its location. Any such revisions may be based upon

- (a) data utilized by the Flood Insurance Study; and,
- (b) changes in elevations of areas within the floodway occurring since the last revision affecting such area; or
- (c) channel changes.

(1819) Lowest Floor. 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 this Chapter.

(1920) Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(2021) Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(2122) New Construction. Structures for which the start of construction was on or after December 21, 1978.

(2223) New Manufactured Home Park or Subdivision. 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.

(2324) Recreational Vehicle. A vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light-duty truck; and,
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(2425) Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other substantial improvement was within 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 cleaning, grading, or filling, the installation of streets or sidewalks, the excavation for a basement, footings, piers, or foundations, the erection of temporary forms, or the installation of accessory buildings on property such as garages or sheds not occupied as dwelling units or not a part of the main structure.

(2526) Structure. A walled and roofed building including a gas or liquid storage tank that is principally above ground.

(2627) Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(2728) Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the value of the structure either:

- (a) before the improvement or repair is started; or
- (b) before the damage occurred, if the structure has been damaged and is being restored.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (a) 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 code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(2829) Variance. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

(2930) Water Dependent. A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Section 2: Pullman City Code 17.100.030 and Pullman Ordinance Nos. 89-10 \$1, 1989; 89-1 \$2, 1989; 87-9 \$1, 1987 are each hereby amended to read as follows:

17.100.030 General Provisions.

- (1) Lands to Which this Chapter Applies. This Chapter shall apply to all ~~floodplains~~ areas of special flood hazard within the jurisdiction of the city and, as an "overlay zone," shall impose requirements on such areas in addition to those of the zone districts in which such areas are located.
- (2) Basis for Establishing the Floodplain Areas. ~~The areas of special flood hazard identified by The the Federal Insurance Administration, in a scientific and engineering report entitled Flood Insurance Study - City of Pullman, Washington, dated May 19, 1981, and any revisions thereto, with accompanying flood insurance rate maps, and any revisions thereto are a study completed in 1977 with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, is hereby adopted by reference and declared to be a part of this Chapter. The floodplains identified in said study, or as it is hereafter interpreted by the director, revised or amended, are the lands to which this Chapter shall apply. The Flood Insurance Study and accompanying maps the FIRM are on file in the city of Pullman Office of Public Works, S.E. 325 Paradise Street, Pullman, Washington. The best available information for flood hazard area identification shall be the basis for regulation until a new FIRM is issued. For areas within Whitman County which are annexed to the city, studies and maps prepared for Whitman County by the Federal Insurance Administration shall be utilized to regulate~~

~~development within any identified floodplains until such time as the floodplain maps of the city are amended to show the annexed territory. When base flood elevation data has not been provided in the Flood Insurance Study city of Pullman, Washington, as amended, the director 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 17.100.050(3), (4), (10), 17.100.060, and 17.100.070.~~

- (3) Compliance. No structure or land located in a floodplain shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Title.
- (4) Floodplain Development Permit Required. It shall be unlawful to begin construction or development within a floodplain area as established by this Chapter without first obtaining a development permit. A development permit shall be required for all development and must bear the signature of the director.
- (5) 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 that the minimum provisions of this Chapter may not protect against can and will occur on rare occasions. Flood heights may be increased by natural or man-made causes. This Chapter does not imply that land outside the floodplain areas or uses permitted within such areas will be free from flooding or flood damages. Reliance on this Chapter alone 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 may result from reliance on this Chapter or any administrative decision, variance, or appeal lawfully made thereunder.

Section 3: Pullman City Code 17.100.040 and Pullman Ordinance Nos. 89-1 §3, 1989; 87-9 §1, 1987 are each hereby amended to read as follows:

17.100.040 Administration.

- (1) The director shall administer, interpret, and enforce the provisions of this Chapter.
- (2) Applications for Floodplain Development Permits are subject to the following requirements:
  - (a) Application for a development permit shall be made by the property owner or his authorized agent and filed with the director on forms provided by the city. The application for a development permit shall be accompanied by required fees. The fees for a development permit shall be set by Resolution of the City Council. The development permit fee is not refundable. The development permit and fee required herein shall be in addition to any other permit and fee required by this Code.
  - (b) The application for a Floodplain Development Permit shall include all information required for any other development application with which it may be filed, and a copy of the construction drawings and elevations and three (3) copies, [one (1) reproducible] no larger than 8-1/2" X 14" of the site plan, drawn to scale, and showing lot lines and dimensions of existing and proposed structures, landscaping, fences or walls, ground elevations of the area, proposed fill or grading, storage of materials, drainage facilities and any other information deemed necessary by the director in order to fulfill the objectives of this Chapter. The following specific information is always required:
    - (i) the elevation in relation to mean sea level of the lowest floor, including basement, of existing and proposed structures;
    - (ii) the elevation in relation to mean sea level to which any structure has been or is proposed to be floodproofed; and,
    - (iii) a description of the extent to which any water course will be altered or relocated, as a result of a proposed development.

- (3) Applications for the development permit shall be processed jointly with the application for any and all other permits required by this Code.
- (4) The decision of the director to issue, deny, or conditionally issue a permit may be appealed to the board of adjustment.
- (5) The director shall
  - (a) review all development permits to assure compliance with the requirements of this Chapter;
  - (b) 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;
  - (c) review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, the director shall assure that the provisions of 17.100.060 are met;
  - (d) obtain and maintain information on
    - (i) Where base flood elevation data is provided through the Flood Insurance Study, or FIRM, obtain and record 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.
    - ~~(i) the actual elevation (in relation to mean sea level) of the lowest floor (including basements) of all new or substantially improved structures located in the floodplain and whether or not the structure contains a basement; and if the structure has been flood-proofed, the elevation (in relation to mean sea level) to which the structure is flood-proofed;~~
    - ~~(ii)~~ For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, or FIRM



a) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed.

b) Maintain the floodproofing certifications as required in Section 17.100.050 (4) (f)

~~a record of all interpretations of the exact location of the boundaries of the floodway and floodplain;~~

(iii) Maintain for public inspection all records pertaining to the provisions of this ordinance.~~a record of all floodplain variance decisions, including Findings of Fact and conclusions of law.~~

(e) notify Whitman County and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

(f) require the applicant to provide maintenance within the altered or relocated portion of said watercourse so that the flood- carrying capacity is not diminished;

(g) interpret the Floodplain Boundary Map and as necessary, make interpretations as to the exact location of the boundaries of the areas of floodway and floodplain. For example, an interpretation would be necessary where there appears to be a conflict between a mapped boundary and actual field conditions. A permit applicant must make a written request to the director for an interpretation of location of the boundary. The director shall, within thirty (30) days, respond to the request with a written determination of the location of the boundary. The written determination shall cite supporting data and maps. The permit applicant may appeal to the board of adjustment.

(h) in cooperation with the director of public safety, prepare an evacuation plan indicating

alternate vehicular access and evacuation routes for all residents living in areas located below base flood level or having principal access below the base flood level;

- (i) submit an annual report to the Federal Insurance Administration concerning the city's participation in the program and the development and implementation of floodplain management regulations;
- (j) notify the Federal Insurance Administration whenever the boundaries of the city have been modified by annexation or the city has otherwise assumed or no longer has authority to adopt or enforce floodplain management regulations for a certain area. A copy of a map, suitable for reproduction, clearly delineating the new corporate limits or area for which the city has assumed responsibility, shall be included.

Section 4: Pullman City Code 17.100.050 and Pullman Ordinance Nos. 01-5 §12, 2001; 89-10 §2, 1989; 89-1 §§4 & 5, 1989; 87-9 §1, 1987 are each hereby amended to read as follows:

17.100.050 Standards and Guidelines.

- (1) In the Floodplain Management District, the following standards for construction, development, and substantial improvement shall be met to the satisfaction of the director:
  - (a) The proposed construction shall be consistent with other land use regulations of the city. If the director deems it necessary to obtain further review, either for land use or flood protection regulations, the director may refer the matter for advice to the planning commission, but final decision on issuance, denial or conditional issuance of a development permit rests with the director;
  - (b) Any fill in the floodplain shall be of material that will not be eroded by the flowing water;
  - (c) Where appropriate for flood damage alleviation, the applicant shall provide the following items in addition to those required by the provisions

of Chapter 17.135 (Site Plan Review) except for duplications:

- (i) plot plan of land in area to be developed indicating location of existing and proposed adjacent streets, alleys, and private rights-of-way;
  - (ii) a boundary survey by a registered surveyor;
  - (iii) indications of existing and proposed finish grades of the property with all drainage features;
  - (iv) indications of the location, height, use, approximate location of all entrances and gross floor area of all proposed structures and buildings;
  - (v) indications of the location and nature of vehicular and pedestrian circulation features within the site;
  - (vi) indications of the extent, location, arrangement, and proposed improvements of all off-street parking and loading facilities;
  - (vii) indications of the extent, location, arrangement, and proposed improvements of all open space, landscaping, fences, and walls;
  - (viii) indications of the location, nature, and dimensions, where applicable, of all utilities;
  - (ix) architectural drawings and sketches demonstrating the planning and character of the proposed development; and,
  - (x) number of units proposed.
- (2) Where topographical data, engineering, or other studies are needed to determine the effects of flooding on a proposed development, or its effect on the flow and/or level of water, the director shall require the applicant to submit such data or studies. All data and studies shall be prepared and certified by a professional civil engineer registered in the State of Washington.

- (3) No new residential structure containing a dwelling unit shall be allowed in the floodplain. No residential structures except those existing at the time that this Title takes effect shall be permitted in the floodplain except as allowed under 17.100.060 and 17.100.070 of this Chapter. Substantial improvements to a residential structure in the floodplain may be permitted if the improvement is elevated at one foot or more above the base flood elevation and if the improvement is constructed in accordance with the provisions of 17.100.050(4)(b) and (e).
- (4) New construction and substantial improvement of any commercial, industrial, or other non-residential structure either shall have the lowest floor, including the basement, at one foot or more above the base flood elevation or shall have flood-proofing which meets the following minimum requirements:
- (a) be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - (b) installation of all mechanical and electrical fixtures, outlets, and equipment one foot or more above the base flood level or designed so as to prevent water from entering or accumulating within the components during conditions of flooding; and,
  - (c) below one foot above the base flood level, construction of watertight walls substantially impermeable to the passage of water with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - (d) installation of dikes, floodgates, or other facilities preventing intrusion of the base flood plus one foot into the structure shall be deemed to satisfy the requirements of (b) and (c), of this subsection.
  - (e) for all new construction and substantial improvements, fully enclosed areas below the

lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic floor forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional civil engineer or architect registered in the State of Washington or must meet or exceed the following minimum criteria: 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (f) certification by a professional civil engineer registered in the State of Washington that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood.
- (g) all new construction and substantial improvements in the floodplain shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(5) 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.

(6) Utilities.

- (a) All new and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the system.
  - (b) ~~(b)~~ All new and replacement sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
  - (c) Water wells shall be located on high ground that is not in the floodway.
  - (d) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (7) Subdivision Proposals. All subdivision proposals shall
- (a) be consistent with the need to eliminate flood damage;
  - (b) have public utilities and facilities located and constructed to eliminate flood damage; and
  - (c) have adequate drainage provided to reduce exposure to flood damage.
  - (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain fifty (50) lots or five (5) acres, whichever is less.
- (8) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source, 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 jurisdiction judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available.
- (9) Storage.
- (a) All underground tanks or storage facilities shall be anchored to prevent flotation during flooding.
  - (b) No hazardous materials or chemicals shall be stored in the floodplain unless they are stored in a manner which will prevent leakage, release, seepage, or spillage.

- (9) Existing Structures in Floodplain - Permanent. All permanent structures now located in the floodplain shall, if destroyed, removed, or requiring substantial improvement, be replaced only by a structure meeting the requirements of this Title.
- (10) Objects Stored in the Floodplain Area. During the flood season, any object over seventy-five (75) cubic feet in volume or having any dimension exceeding ten (10) feet shall be either stored in a permanent structure, firmly affixed to the ground, or weighted so it cannot float in a base flood. Storage or anchorage of said objects shall be subject to the approval of the director. These requirements shall not apply to operable motor vehicles.
- (11) Recreational Vehicles. Recreational vehicles placed on sites are required to either:
- (a) be on the site for fewer than 180 consecutive days,
  - (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 attached additions; or
  - (c) meet the requirements of 17.100.070(1) and the elevation and anchoring requirements for manufactured homes.
- (12) Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the ~~base flood plain~~ Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA ~~base floodplain~~ if no feasible alternative site is available. Critical facilities constructed within the SFHA ~~base floodplain~~ shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the SFHA ~~base~~

~~flood-plain~~ shall be provided to all critical facilities to the extent possible.

- (13) The granting of a development permit pursuant to 17.100.040 of this Chapter for construction, development, or substantial improvement shall not constitute a representation, guarantee, or warranty of any kind or nature by the city of Pullman, or by any officer or employee thereof, concerning the practicality or safety of any development, construction, or substantial improvement, and shall create no liability upon or cause of action against such public body, officer, or employee for any damage that may result from said permitted land use.

Section 5: Pullman City Code 17.100.060 and Pullman Ordinance Nos. 89-10 §§3 & 4, 1989; 89-1 §6, 1989; 87-9 §1, 1987 are each hereby amended to read as follows:

17.100.060 Development in the Floodway.

- (1) No encroachment, including fill or excavation, new construction, substantial improvements, bridges, utilities, bulkheads, diking, retaining walls, or other flood management control devices shall be placed in the floodway unless certification by a registered professional civil engineer is provided demonstrating through hydrologic analyses performed in accordance with standard engineering practice that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) Residential structures located in the floodway prior to December 21, 1978, may be repaired, reconstructed, or improved if (a) the ground flood area is not increased; and (b) the cost of the repair, reconstruction, or improvement does not exceed fifty (50) percent of the market value of the structure either (i) before the repair, reconstruction, or improvement is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe



living conditions, or to structures identified as historic places on a local, state, or national registry, shall not be included in the fifty (50) percent.

(3) All construction, development, or substantial improvements shall be located so as to allow for cleaning, removal of obstructions and debris, and any other maintenance of the channel of the stream as it is located or likely to be relocated.

(4) No manufactured home shall be allowed to remain in the floodway.

Section 6. Effective Date. This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the city of Pullman.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

SIGNED by the Mayor in Authentication and Approval Thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Glenn A. Johnson

ATTEST:

\_\_\_\_\_  
Finance Director  
William F. Mulholland

Approved as to Form:

\_\_\_\_\_  
City Attorney Laura D. McAloon

Summary Published: \_\_\_\_\_

