

CITY OF SULTAN NOTICE OF PUBLIC HEARING

The City of Sultan Planning Board will conduct a Public Hearing on September 20, 2011, at or shortly after 7:00 p.m. in the Council Chambers, located at City Hall, 319 Main Street, Sultan, Washington. At this time, public comment will be taken on an Amendment to Chapter 16.16, General Provisions, of the Sultan Municipal Code (SMC) for the purpose of implementing Federally-required regulations for protection of endangered Puget Sound Salmon and other endangered species through local management of the National Flood Insurance Program (NFIP).

Federal Courts have ordered that FEMA change its management of the National Flood Insurance Program (NFIP) to conform to the requirements of the Federal Endangered Species Act (ESA).

To determine what FEMA needed to do to conform with the ESA, the courts ordered National Marine Fisheries Service (NMFS) to issue a Biological Opinion (Bi-Op) that explained the needs of the endangered Puget Sound salmon. All local governments (cities and counties) in the Puget Sound region must comply with the FEMA process that resulted from the Bi-Op. Jurisdictions that do not comply can expect to be removed from the NFIP, meaning that property owners in their jurisdiction will not be able to purchase Federal flood insurance through the NFIP.

Local jurisdictions have three options for compliance with the Bi-Op provisions:

1. Adopt a model ordinance provided by the State that covers all aspects of the Bi-Op but ignores and duplicates many existing plans and environmental ordinances (Critical Areas, Shoreline Master Program, etc.).
2. Amend all existing plans and environmental ordinances to implement the Bi-Op, and proceed through a certification procedure to verify compliance.
3. Allow/require developers of land in the floodplain and riparian/channel migration area to analyze their development proposal and modify it as necessary to ensure compliance with the Bi-Op.

The City Council, through adoption of Resolution 11-08 on July 14, 2011, determined that the City would, until further notice, pursue the Case-by-case option referred to as "Door 3".

To complete the required implementation of the Bi-Op, the City needs to adopt a development regulation that requires developers to document compliance with the Bi-Op requirements as part of their development proposal.

Staff recommends that this requirement be codified in Sultan Municipal Code (SMC) 16.16, General Regulations, which is a section containing many provisions that apply to all other areas of the code regardless of the specific land use zone that applies to the property. A new section 16.16.035 is proposed that will require case-by-case analysis and documentation with the requirements of the Bi-Op as developers assemble their application packets for a project in the floodplain or in related areas as required by the Bi-Op.

The Public Hearing documents for the proposed Amendment are available for viewing at City Hall and the Sultan Library. Written comments may be sent to the Community Development Director at P.O. Box 1199, Sultan, WA 98294-1199.

For further information please call City Hall at 360-793-2231.

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