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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to floodplains; adopting permanent regulations consistent with the Federal Emergency Management Agency (FEMA) regulations; adopting the February 2020 updated National Flood Insurance Rate Maps to allow individuals to continue to obtain flood insurance through FEMA’s Flood Insurance Program; repealing Ordinances 126113 and 126271; and amending Chapter 25.06 and Section 25.09.030 of the Seattle Municipal Code.

..body

WHEREAS, the City is required to update its floodplain development regulations to regulate development in special flood hazard areas in accordance with standards established by the National Flood Insurance Program and the Washington State Department of Ecology and areas identified as flood-prone in subsection 25.09.012.B of the Seattle Municipal Code; and

WHEREAS, on February 19, 2020, the Federal Emergency Management Agency (FEMA) informed the City that it must adopt updated regulations and updated Flood Insurance Rate Map (FIRM) panels and Flood Insurance Study (FIS) with an effective date prior to August 19, 2020 in order to maintain its standing in the National Flood Insurance Program (NFIP) program, which is a necessary precondition for residents to be eligible to obtain Flood Insurance; and

WHEREAS, the City adopted interim floodplain regulations on July 20, 2020 as Ordinance 126113 and extended the interim regulations through February 2022 on January 19, 2021 as Ordinance 126271 to meet the FEMA requirements and to maintain the City’s standing in FEMA’s NFIP program, enabling citizens to continue to be eligible for flood insurance

1 while preventing development incompatible with City goals related to development in the
2 floodplains; and

3 WHEREAS, the Seattle Department of Construction and Inspections (SDCI) worked closely
4 with FEMA administrator in developing the interim amendments; and

5 WHEREAS, after the City adopted interim regulations, the City conducted additional analysis to
6 determine the appropriate permanent regulations to support the National Flood Insurance
7 Rate Maps and conducted SEPA on the permanent regulations; NOW, THEREFORE,

8 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

9 Section 1. Ordinances 126113 and 126271, which enacted and extended interim
10 floodplain regulations, are repealed. The ordinances are attached to this ordinance as Exhibits 3
11 and 4.

12 Section 2. Chapter 25.06 of the Seattle Municipal Code, last amended by Ordinance
13 126113, is amended as follows:

14 **CHAPTER 25.06 FLOODPLAIN DEVELOPMENT**

15 **25.06.010 Title((~~r~~))**

16 This ((~~chapter~~)) Chapter 25.06 shall be known and may be cited as the "((~~Seattle~~)) Floodplain
17 Development ((~~Ordinance~~)) Regulations."

18 **25.06.015 Statutory authorization and findings of fact**

19 A. The Legislature of the State of Washington has delegated the responsibility to local
20 communities to adopt floodplain management regulations designed to promote the public health,
21 safety, and general welfare of its citizenry.

22 B. The flood hazard areas of the City of Seattle are subject to periodic inundation, which
23 may result in loss of life and property, health and safety hazards, disruption of commerce and

1 governmental services, extraordinary public expenditures for flood protection and relief, and
2 impairment of the tax base, all of which adversely affect the public health, safety, and general
3 welfare. These flood losses may be caused by the cumulative effect of obstructions in areas of
4 special flood hazards that increase flood heights and velocities, and when inadequately anchored,
5 damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise
6 protected from flood damage also contribute to the flood loss.

7 **25.06.020 Purpose**

8 A. The purpose of this Chapter 25.06 is to regulate development in ~~((areas of))~~ special
9 flood hazard areas and flood-prone areas as defined in subsection 25.09.012.B in accordance
10 with standards established by the National Flood Insurance Program and the Washington State
11 Department of Ecology ~~((and areas identified as flood-prone in subsection 25.09.012.B))~~. This
12 Chapter 25.06 is intended to: promote the public health, safety, and general welfare ~~((and is not~~
13 ~~intended to protect or benefit any individual or any class or group of persons specifically, or to~~
14 ~~create or form the basis for any liability on the part of the City or its officers, employees, or~~
15 ~~agents in connection with administration of this Chapter 25.06.))~~; reduce the annual cost of
16 flood insurance; and minimize public and private losses due to flood conditions in specific areas
17 by provisions designed to:

18 1. Protect human life and health;

19 2. Minimize expenditure of public money for costly flood control projects;

20 3. Minimize the need for rescue and relief efforts associated with flooding and

21 generally undertaken at the expense of the general public;

22 4. Minimize prolonged business interruptions;

1 5. Minimize damage to public facilities and utilities, such as water and gas mains;
2 electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;

3 6. Help maintain a stable tax base by providing for the sound use and
4 development of flood hazard areas so as to minimize blight areas caused by flooding;

5 7. Notify potential buyers that the property is in a Special Flood Hazard Area;

6 8. Notify those who occupy flood hazard areas that they assume responsibility for
7 their actions; and

8 9. Participate in and maintain eligibility for flood insurance and disaster relief.

9 B. This Chapter 25.06 is not intended to protect or benefit any individual or any class or
10 group of persons specifically, or to create or form the basis for any liability on the part of the
11 City or its officers, employees, or agents in connection with administration of this Chapter 25.06.

12 C. This Chapter 25.06 shall be administered by affected City departments and interpreted
13 to accomplish its stated purpose.

14 **25.06.022 Methods of reducing flood losses**

15 In order to accomplish its purposes, this Chapter 25.06 includes methods and provisions for:

16 A. Restricting or prohibiting development that is dangerous to health, safety, and
17 property due to water or erosion hazards, or which result in damaging increases in erosion or in
18 flood heights or velocities;

19 B. Requiring that development vulnerable to floods be protected against flood damage at
20 the time of initial construction;

21 C. Controlling the alteration of natural floodplains, stream channels, and natural
22 protective barriers, which help accommodate or channel flood waters;

1 D. Controlling filling, grading, dredging, and other development, which may increase
2 flood damage; and

3 E. Preventing or regulating the construction of flood barriers that unnaturally divert
4 floodwaters or may increase flood hazards in other areas.

5 **25.06.025 Warning and disclaimer of liability**

6 The degree of flood protection required by the Floodplain Development Regulations is
7 considered reasonable for regulatory purposes and is based on scientific and engineering
8 considerations. Larger floods can and will occur on occasions. Flood heights may be increased
9 by man-made or natural causes. This Chapter 25.06 does not imply that land outside the special
10 flood hazard areas or outside flood-prone areas as defined in subsection 25.09.012.B or uses
11 permitted within such areas will be free from flooding or flood damages. The Floodplain
12 Development Regulations shall not create liability on the part of The City of Seattle, any officer,
13 or employee thereof, or the Federal Insurance Administration, for any flood damages that result
14 from reliance on this Chapter 25.06, or any administrative decision lawfully made under it.

15 **25.06.030 Definitions**

16 Unless specifically defined (~~below~~) in this Section 25.06.030, words or phrases used in this
17 Chapter 25.06 shall be interpreted to give them the meaning they have in common usage. For
18 purposes of this Chapter 25.06(~~the following words or phrases are defined as set out below~~):

19 “Alteration of watercourse” means any action that will change the location of the channel
20 occupied by water within the banks of any portion of a riverine waterbody.

21 ~~((A-)) "Area of shallow flooding" means ((a designated AO or AH Zone on the Flood~~
22 ~~Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly~~
23 ~~defined channel does not exist; the path of flooding is unpredictable and indeterminate; and,~~

1 ~~velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.)) a~~
2 designated zone AO on a community's Flood Insurance Rate Map (FIRM) with one percent or
3 greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined
4 channel does not exist, where the path of flooding is unpredictable, and where velocity flow may
5 be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet
6 flow area.

7 ~~((B-)) "Area of special flood hazard" or "special flood hazard area" means the land~~
8 ~~((subject to a one (1) percent or greater chance of flooding in any given year. Designation on the~~
9 ~~Flood Insurance Rate Map (FIRM) for areas of special flood hazard always includes the letters A~~
10 ~~or V.)) in the floodplain within Seattle subject to a one percent or greater chance of flooding in~~
11 any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AE, VE.

12 "ASCE 24" means the most recently published version of ASCE 24, Flood Resistant
13 Design and Construction, published by the American Society of Civil Engineers.

14 "Base flood" means the flood having a one percent chance of being equaled or exceeded
15 in any given year (also referred to as the "100-year flood").

16 ~~((C-)) "Base flood ((level)) elevation (BFE)" ((and)) or "base flood ((elevation)) level"~~
17 ~~((both)) means the level or elevation above mean sea level, as calculated by reference to the~~
18 ~~vertical datum for Seattle under Section 1.20.020, ((of floodwaters in a particular area during~~
19 ~~flood having a one percent chance of occurring in any given year)) to which floodwater is~~
20 anticipated to rise during the base flood.

21 "Basement" means any area of the building having its floor sub-grade (below ground
22 level) on all sides.

1 “Breakaway wall” means a wall that is not part of the structural support of the building
2 and is intended through its design and construction to collapse under specific lateral loading
3 forces, without causing damage to the elevated portion of the building or supporting foundation
4 system.

5 “Coastal high hazard area” means an area of special flood hazard extending from
6 offshore to the inland limit of a primary frontal dune along an open coast and any other area
7 subject to high velocity wave action from storms or seismic sources. The area is designated on
8 the FIRM as zone V1-30, VE, or V.

9 “Community” means any state, or area or political subdivision thereof, or any Indian tribe
10 or authorized tribal organization or Alaska Native village or authorized native organization, that
11 has authority to adopt and enforce floodplain management regulations for the areas within its
12 jurisdiction.

13 ~~((D-))~~ "Critical facility" means a facility for which even a slight chance of flooding might
14 be too great. Critical facilities include ~~((-))~~ but are not limited to schools, nursing homes,
15 hospitals, police, fire, and emergency response installations, ~~((nonresidential))~~ and installations
16 ~~((which))~~ that produce, use, or store hazardous materials or hazardous waste.

17 ~~((E-))~~ "Development" means any man-made change to improved or unimproved real
18 estate, including but not limited to buildings or other structures, mining, dredging, filling,
19 grading, paving, excavation or drilling operations, or storage equipment or materials.

20 ~~((F-))~~ "Director" means the Director of the Seattle Department of Construction and
21 Inspections (SDCI). As used in this Chapter 25.06, the term includes authorized representatives
22 of the Director of the Seattle Department of Construction and Inspections.

23 ~~((G-))~~ "Flood" or "flooding" means:

1 1. ((A)) A general and temporary condition of partial or complete inundation of
2 normally dry land areas from:

3 ~~((1-))~~ a. The overflow of inland or tidal waters; and/or

4 ~~((2-))~~ b. The unusual and rapid accumulation of runoff of surface waters
5 from any source.

6 2. Mudslides (i.e. mudflows) that are proximately caused by flooding as defined
7 in subsection G.1.b of this definition and area kin to a river of liquid and flowing mud on the
8 surfaces of normally dry land areas, as when earth is carried by a current of water and deposited
9 along the path of the current.

10 3. The collapse or subsidence of land along the shore of a lake or other body of
11 water as a result of erosion or undermining caused by waves or currents of water exceeding
12 anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body
13 of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash
14 flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which
15 results in flooding as defined in subsection G.1.a of this definition.

16 “Flood elevation study” means an examination, evaluation, and determination of flood
17 hazards and, if appropriate, corresponding water surface elevations, or an examination,
18 evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
19 Also known as a Flood Insurance Study (FIS).

20 ~~((H-)) "Flood Insurance Rate Map (FIRM)" means the ((Flood Insurance Study for King~~
21 ~~County, Washington and incorporated areas, dated May 16, 1995, with accompanying Flood~~
22 ~~Insurance Rate Maps, that has delineated both the areas of special flood hazards and the risk~~
23 ~~premium zones applicable to The City of Seattle, or as otherwise required by the Department of~~

1 ~~Homeland Security~~) official map of a community on which the Federal Insurance Administrator
2 has delineated both the special hazard areas and the risk premium zones applicable to the
3 community. A FIRM that has been made available digitally is called a Digital Flood Insurance
4 Rate Map (DFIRM).

5 ~~((I. "Flood Insurance Study" means the official report, entitled "The Flood Insurance~~
6 ~~Study for King County, Washington and Incorporated Areas," dated May 16, 1995, provided by~~
7 ~~the Federal Insurance Administration, that includes flood profiles, the Flood Boundary Floodway~~
8 ~~Map, and the water surface elevation of the base flood.))~~

9 "Flood proofing" means any combination of structural and nonstructural additions,
10 changes, or adjustments to structures that reduce or eliminate risk of flood damage to real estate
11 or improved real property, water and sanitary facilities, structures, and their contents. Flood
12 proofed structures are those that have the structural integrity and design to be impervious to
13 floodwater below the base flood elevation.

14 "Floodplain or flood-prone area" means any land area susceptible to being inundated by
15 water from any source. See "Flood or flooding."

16 "Floodplain administrator" means the official or officials designated by the Seattle
17 Municipal Code to administer and enforce Seattle's floodplain development regulations.

18 "Floodplain variance" means a grant of relief by a community from the terms of a
19 floodplain management regulation.

20 ~~((F.))~~ "Floodway" means the channel of a river or other watercourse and the adjacent land
21 areas that must be reserved in order to discharge the base flood without cumulatively increasing
22 the water surface elevation more than ~~((one foot (1'))~~) a designated height. Also referred to as
23 "Regulatory floodway."

1 “Functionally dependent use” means a use that cannot perform its intended purpose
2 unless it is located or carried out in close proximity to water. The term includes only docking
3 facilities, port facilities that are necessary for the loading and unloading of cargo or passengers,
4 and ship building and ship repair facilities, and does not include long-term storage or related
5 manufacturing facilities.

6 “Highest adjacent grade” means the highest natural elevation of the ground surface prior
7 to construction next to the proposed walls of a structure.

8 “Historic structure” means any structure that is:

9 1. Listed individually in the National Register of Historic Places (a listing
10 maintained by the Department of the Interior) or preliminarily determined by the Secretary of the
11 Interior as meeting the requirements for individual listing on the National Register;

12 2. Certified or preliminarily determined by the Secretary of the Interior as
13 contributing to the historical significance of a registered historic district or a district preliminarily
14 determined by the Secretary to qualify as a registered historic district;

15 3. Individually listed on a state inventory of historic places in states with historic
16 preservation programs that have been approved by the Secretary of Interior; or

17 4. Individually listed on a local inventory of historic places in communities with
18 historic preservation programs that have been certified either:

19 a. By an approved state program as determined by the Secretary of the
20 Interior, or

21 b. Directly by the Secretary of the Interior in states without approved
22 programs.

1 ~~((K-))~~ "Lowest floor" means the lowest floor of the lowest enclosed area (including
2 basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles,
3 building access or storage, in an area other than a basement area, is not considered a building's
4 lowest floor, provided that such enclosure is not built so as to render the structure in violation of
5 applicable nonelevation design requirements of subsection ~~((A2 of Section))~~ 25.06.110.A.2.

6 ~~((L-))~~ "Manufactured home" means a structure, transportable in one ~~((1))~~ or more
7 sections, ~~((which))~~ that is built on a permanent chassis and is designed for use with or without a
8 permanent foundation when connected to the required utilities. The term "manufactured home"
9 ~~((also includes travel trailers and other similar vehicles placed on a site for greater than one
10 hundred eighty (180) consecutive days))~~ does not include a "recreational vehicle."

11 ~~((M-))~~ "Manufactured home park" or "manufactured home subdivision" means a parcel
12 (or contiguous parcels) of land divided into two ~~((2))~~ or more manufactured home lots for rent
13 or sale.

14 "Mean sea level" means, for purposes of the National Flood Insurance Program, the
15 vertical datum to which base flood elevations shown on a community's FIRM are referenced.

16 ~~((N-))~~ "New construction" means structures for which the ~~((=))~~ start of construction~~((=))~~
17 commenced on or after the effective date of ~~((the ordinance codified in this chapter.))~~ floodplain
18 management regulations adopted by a community and includes any subsequent improvements to
19 such structures.

20 ~~((O-))~~ "Recreational vehicle" means a vehicle that is (a) built on a single chassis; (b)
21 ~~((four hundred (400)))~~ 400 square feet or less in area when measured at the largest horizontal
22 projection; (c) designed to be self-propelled or permanently towable by a light-duty truck; and

1 (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for
2 recreational, camping, travel, or seasonal use.

3 ~~((P-))~~ "Start of construction" means and includes substantial improvement, and means the
4 date the building permit was issued, provided the actual start of construction, repair,
5 reconstruction, rehabilitation, addition, placement, or other improvement was within ~~((one~~
6 ~~hundred eighty (180)))~~ 180 days of the permit issuance date. The "actual start" means either the
7 first placement of permanent construction of a structure on a site, such as the pouring of slabs or
8 footings, the installation of piles, the construction of columns, or any work beyond the stage of
9 excavation, or the placement of a manufactured home on a foundation. "Permanent construction"
10 does not include ~~((site))~~ land preparation, such as a clearing, grading, or filling; nor does it
11 include the installation of streets and/or walkways; nor does it include excavation for a basement,
12 footings, piers, or foundation or the erection of temporary forms; nor does it include the
13 installation on the property of accessory buildings, such as garages or sheds not occupied as
14 dwelling units or not part of the main structure. For substantial improvement, the actual start of
15 construction means the first alteration of any wall, ceiling, floor, or other structural part of a
16 building, whether or not that alteration affects the external dimensions of the building.

17 ~~((Q-))~~ "Structure" means ~~((anything that is built or constructed, an edifice or building of~~
18 ~~any kind, or any piece of work artificially built up or composed of parts joined together in some~~
19 ~~definite manner.))~~ a walled and roofed building, including a gas or liquid storage tank, that is
20 principally above ground, as well as a manufactured home.

21 "Substantial damage" means damage of any origin sustained by a structure whereby the
22 cost of restoring the structure to its before damaged condition would equal or exceed 50 percent
23 of the market value of the structure before the damage occurred.

1 ~~((R-1.)) "Substantial improvement" means any ((repair, reconstruction or improvement~~
2 ~~of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the~~
3 ~~structure either:~~

4 ~~a. Before the improvement or repair is started; or~~

5 ~~b. If the structure has been damaged and is being restored, before the~~
6 ~~damage occurred.~~

7 ~~2. For the purpose of this definition, a "substantial improvement" commences~~
8 ~~when the first alteration on any wall, ceiling, floor or other structural part of the building is~~
9 ~~made, whether or not that alteration affects the external dimensions of the structure. The term~~
10 ~~does not, however, include either:~~

11 ~~a. Any project for improvement of a structure to comply with existing~~
12 ~~state or local health, sanitary or safety code specifications which are solely necessary to assure~~
13 ~~safe living conditions; or~~

14 ~~b. Any alteration of a structure which is listed on the National Register of~~
15 ~~Historic Places or a State Inventory of Historic Places, which is designated as a landmark~~
16 ~~pursuant to SMC Chapter 25.12 or which is included in a landmark or historic district.))~~

17 reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which
18 equals or exceeds 50 percent of the market value of the structure before the "start of
19 construction" of the improvement. This term includes structures that have incurred "substantial
20 damage," regardless of the actual repair work performed. The term does not include either:

21 1. Any project for improvement of a structure to correct previously
22 identified existing violations of state or local health, sanitary, or safety code specifications that

1 have been identified by the local code enforcement official and that are the minimum necessary
2 to assure safe living conditions; or

3 2. Any alteration of a historic structure, provided that the alteration will
4 not preclude the structure's continued designation as a historic structure.

5 **25.06.040 Applicability**

6 This Chapter 25.06 shall apply to all ~~((areas of))~~ special flood hazard~~((s))~~ areas and flood-prone
7 areas as defined in subsection 25.09.012.B as identified in Section 25.06.050 within the
8 jurisdiction of The City of Seattle. ~~((This Chapter 25.06 shall also apply to flood-prone areas as~~
9 ~~defined in subsection 25.09.012.B that are not located within areas of special flood hazards, as~~
10 ~~provided in this Chapter 25.06 by cross reference to subsection 25.09.012.B.))~~ Floodplain
11 regulations include provisions in this Chapter 25.06 and provisions in Title 22 that address the
12 risk of flooding.

13 **25.06.044 Abrogation and greater restrictions**

14 This Chapter 25.06 is not intended to repeal, abrogate, or impair any existing easements,
15 covenants, or deed restrictions. However, where this Chapter 25.06 and another ordinance,
16 easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent
17 restrictions shall prevail.

18 **25.06.045 Interpretation**

19 In the interpretation and application of this Chapter 25.06, all provisions shall be:

20 A. Considered as minimum requirements;

21 B. Liberally construed to provide the maximum flood protection; and

22 C. Deemed neither to limit nor repeal any other powers granted under state statutes.

23 **25.06.050 Identification of ~~((areas of))~~ special flood hazard areas**

1 A. The ~~((Area of))~~ special flood hazard ~~((in The City of Seattle are))~~ areas as identified

2 by the Federal Insurance Administrator~~((ion))~~ in a scientific and engineering report entitled "The

3 Flood Insurance Study for King County, Washington and Incorporated Areas," dated ~~((May 16,~~

4 ~~1995,))~~ August 19, 2020, and any revisions thereto, with ~~((an))~~ accompanying Flood Insurance

5 Rate Maps (FIRMs), ~~((which))~~ dated August 19, 2020, and any revisions thereto ("the Maps").

6 The study and the Maps are included as Exhibit 1 and 2 to this ordinance, respectively, and are

7 ~~((hereby))~~ adopted by reference and declared to be a part of this Chapter 25.06. These mapped

8 areas are special flood hazard areas. The study and the ~~((maps))~~ Maps shall be maintained on file

9 at the Seattle Department of Construction and Inspections and Seattle ~~((Public Utilities))~~

10 Department of Transportation.

11 B. If the FIRM boundaries identified on the Maps are not clear, SDCI shall interpret the

12 exact location of the boundaries of the special flood hazard areas based on actual field

13 conditions. These determination of boundary locations can be formally interpreted through a

14 FEMA Letter of Map Change consistent with the standards of Section 60.6 of the Rules and

15 Regulations of the National Flood Insurance Program (44 CFR Section 60.6).

16 C. Special flood hazard areas also include flood-prone areas as defined in subsection

17 25.09.012.B.

18 **25.06.060 Floodplain development approval required~~((r))~~**

19 Construction or development shall not be undertaken within any ~~((area of))~~ special flood hazard

20 area and flood-prone areas as defined in subsection 25.09.012.B as established in Section

21 25.06.050 without approval under this ~~((chapter))~~ Chapter 25.06. For development where no

22 other permit or authorization from The City of Seattle or its departments or agencies is necessary

23 to begin or to accomplish the work, the approval shall be documented by issuance of a floodplain

1 development (~~(license)~~)permit. For development where some other permit or authorization from
2 The City of Seattle or its departments or agencies is required to begin or accomplish the work,
3 including but not limited to development performed by City departments, the floodplain
4 development approval shall be incorporated in such other permit or authorization.

5 **25.06.070 Application for floodplain development approval or license**

6 Application for a floodplain development approval, license, or permit (~~(for floodplain~~
7 ~~development approval)~~) shall be made on forms furnished by the (~~(Administrators)~~) floodplain
8 administrator. The application (~~(shall)~~) may include, but (~~(shall)~~) is not (~~(be)~~) limited to, plans
9 drawn to scale showing the nature, location, dimensions, and elevations of the area in question;
10 existing or proposed structures, fill, storage of materials, drainage facilities, and the location of
11 the foregoing. Specifically, the following information is required:

12 A. Elevation prepared by a licensed surveyor or a registered professional (~~(civil)~~)
13 engineer in relation to mean sea level, as calculated based on the vertical datum for Seattle under
14 Section 1.20.020, of the lowest floor (including basement) of all structures recorded on a current
15 elevation certificate with Section B completed by the floodplain administrator;

16 B. Elevation prepared by a licensed surveyor or a registered professional (~~(civil)~~)
17 engineer in relation to mean sea level, as calculated based on the vertical datum for Seattle under
18 Section 1.20.020, to which any structure has been or will be floodproofed;

19 C. (~~(Certification)~~) Where a structure is to be flood proofed, certification by a registered
20 professional (~~(civil)~~) engineer or architect that the floodproofing methods for any nonresidential
21 structure meet the floodproofing criteria in Section 25.06.110; (~~(and)~~)

22 D. Description of the extent to which any watercourse will be altered or relocated as a
23 result of the proposed development(~~(-)~~) ; and

1 E. Where a structure is proposed in a V, V1-30, or VE zone, a V-zone designation design
2 certificate;

3 F. Where development is proposed in a floodway, an engineering analysis indicating no
4 rise of the Base Flood Elevation; and

5 G. Any other such information that may be reasonably required by the floodplain
6 administrator in order to review the application.

7 **25.06.080 Designation of (~~Administrators~~) administrators**

8 (~~Each City department which has responsibility for review and approval of any development or~~
9 ~~which performs any development in areas of special flood hazard in The City of Seattle is~~
10 ~~designated as an Administrator of this chapter and shall approve or deny floodplain development~~
11 ~~proposals only in accordance with the provisions of this chapter. Each Administrator shall be~~
12 ~~responsible for enforcing the provisions of this chapter as they apply to that Administrator's~~
13 ~~jurisdiction. The Director shall approve or deny applications for floodplain development licenses~~
14 ~~in accordance with the provisions of this chapter.))~~

15 The Director of the Department of Construction and Inspections or designee is appointed as the
16 floodplain administrator charged to administer, implement, and enforce this Chapter 25.06 by
17 granting or denying development permits, approvals, or licenses in accordance with its
18 provisions for all areas within Seattle except for areas in the City's public right-of-way. For all
19 areas in the City's public right-of-way, the Director of Seattle Department of Transportation or
20 designee is appointed to administer, implement, and enforce this Chapter 25.06 by granting or
21 denying development and use permits in Title 15 in accordance with this Chapter 25.06.

22 **25.06.090 Functions of the (~~Administrators~~) administrators**

1 ~~((Functions of the Administrators under this Chapter 25.06 shall include the following:))~~ Duties
2 of the Director of the Department of Construction and Inspections and the Director of Seattle
3 Department of Transportation shall include but not be limited to:

4 A. Reviewing development proposals to determine that:

5 1. ~~((the))~~ The requirements of this ~~((chapter))~~ Chapter 25.06 have been satisfied;

6 ~~((B. Review development proposals to determine that all necessary))~~ 2. All
7 required state and federal permits have been obtained ~~((from those federal, state or local~~
8 ~~governmental agencies from))~~ for which prior approval is required;

9 3. The site is reasonably safe from flooding; and

10 4. The proposed development is not located in the floodway. If located in the
11 floodway, assure the encroachment provisions of Section 25.06.120 are met;

12 B. Notify the Federal Emergency Management Agency when annexations occur in the
13 special flood hazard area;

14 C. When base flood elevation data has not been provided in A or V zones in accordance
15 with Section 25.06.050, the floodplain administrator shall obtain, review, and reasonably utilize
16 any base flood elevation and floodway data available from a federal, state, or other source, in
17 order to administer Sections 25.06.110 and 25.06.120;

18 D. Where base flood elevation data is provided through the ~~((Flood Insurance Study))~~
19 FIS, FIRM, or required ~~((and obtained))~~ through subsection 25.06.090.C ~~((above))~~, obtain and
20 maintain a record of the actual (as-built) elevation (in relation to mean sea level as calculated
21 based on the vertical datum for Seattle under Section 1.20.020) of the lowest floor, including
22 basement, of all new or substantially improved structures, and indicate whether or not the
23 structure contains a basement;

1 E. Documentation of the elevation of the bottom of the lowest horizontal structural
2 member in VE zones;

3 ~~((E.))~~ F. For all new or substantially improved floodproofed nonresidential structures
4 where base flood elevation data is provided through the FIS, FIRM, or as required in subsection
5 25.06.100.E.4:

6 1. ~~((Verify and))~~ Obtain and maintain a record of the ((actual)) elevation (in
7 relation to mean sea level) ((as calculated based on the National Geodetic Vertical Datum),))to
8 which the structure was flood proofed; and

9 2. Maintain the floodproofing certifications required in subsection ~~((C of~~
10 ~~Section))~~ 25.06.070.C;

11 ~~((F.))~~ G. Maintain for public inspection all records pertaining to the provisions of this
12 ~~((chapter))~~ Chapter 25.06, including all floodplain variance actions with justification for their
13 issuance and all certifications;

14 H. Obtain and maintain a record of improvement and damage calculations;

15 ~~((G.))~~ I. Whenever a watercourse is to be altered or relocated:

16 1. Notify ((affected)) adjacent communities and the Washington State Department
17 of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such
18 notification to the Federal Insurance Administration through appropriate notification and means;
19 and

20 ~~((H.))~~ 2. Require that ((maintenance is provided within the altered or relocated
21 portion of such watercourse so that)) the flood-carrying capacity ((is not diminished;)) of the
22 altered or relocated portion of the watercourse is maintained.

23 **25.06.100 General standards**

1 In all ~~((areas of))~~ special flood hazard~~((s))~~ areas and ~~((in all other))~~ flood-prone areas defined in
2 subsection 25.09.012.B, the following standards are required:

3 A. Anchoring

4 1. All new construction and substantial improvements, including those related to
5 manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the
6 structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

7 2. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral
8 movement of the structure and shall be installed using methods and practices that minimize flood
9 damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties
10 to ground anchors.

11 B. Construction materials and methods

12 1. All new construction and substantial improvements shall be constructed with
13 materials and utility equipment resistant to flood damage.

14 2. All new construction and substantial improvements shall be constructed using
15 methods and practices that minimize flood damage.

16 3. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and
17 other service facilities shall be designed and/or otherwise elevated or located, to prevent water
18 from entering or accumulating within the components during conditions of flooding.

19 C. Storage of materials and equipment

20 1. The storage or processing of materials that could be injurious to human, animal,
21 or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

1 2. Storage of other material or equipment may be allowed if not subject to damage
2 by floods and if firmly anchored to prevent flotation, or if readily removable from the area within
3 the time available after flood warning.

4 D. Utilities

5 1. All new and replacement water supply systems shall be designed to eliminate
6 or minimize infiltration of floodwaters into the system.

7 2. Water wells shall be located outside the floodway.

8 3. New and replacement sanitary sewage systems shall be designed to eliminate or
9 minimize infiltration of floodwaters into the systems and discharge from the systems into
10 floodwaters.

11 ~~((3-))~~ 4. On-site waste disposal systems shall be located to avoid impairment to
12 them or contamination from them during flooding.

13 ~~((D))~~ E. Subdivision and short plat proposals

14 1. All subdivision and short plat proposals shall be consistent with the need to
15 minimize flood damage.

16 2. All subdivision and short plat proposals shall have public utilities and facilities,
17 such as sewer, gas, electrical, and water systems, located and constructed to minimize flood
18 damage.

19 3. All subdivision and short plat proposals shall have adequate drainage to
20 ~~((minimize))~~ reduce exposure to flood damage.

21 4. ~~((If base flood elevation data has not been provided or is not available from~~
22 ~~another authoritative source, the applicant shall provide such data for subdivision proposals and~~
23 ~~other proposed developments that contain at least 50 lots or five acres, whichever is less.))~~

1 Where a subdivision or a short plat proposal or other proposed development contains greater than
2 50 lots or greater than 5 acres, base flood elevation data shall be included as part of the
3 application.

4 ~~((E))~~F. ~~((H))~~ Where elevation data is not available, ~~((either through))~~ whether from the
5 ~~((most current map provided by the Federal Emergency Management Agency (FEMA) for~~
6 ~~administration of the National Flood Insurance Program))~~ FIS, the FIRM, or ((from)) another
7 authoritative source as listed in subsection 25.06.090.G, applications for floodplain development
8 shall be reviewed to assure that proposed construction shall be made reasonably safe from
9 flooding. The evaluation of reasonableness shall include consideration of historical data, high
10 water marks, photographs of past flooding, and similar information if available.

11 **25.06.110 Standards involving base flood elevations**

12 ~~((H))~~ In all special flood hazard areas and flood-prone areas as defined in subsection
13 25.09.012.B, where base flood elevation data has been provided under Section 25.06.050 or
14 subsection 25.06.090.C, the standards of subsections 25.06.110.A through 25.06.110. ~~((E))~~I apply
15 ~~((to areas of special flood hazards and to flood-prone areas defined in subsection 25.09.012.B)).~~

16 A. Residential construction

17 1. In AE zones or other A zoned areas where the BFE has been determined or can
18 be reasonably obtained, ((N))new construction and substantial improvement of any residential
19 structure shall have the lowest floor, including basement, elevated to ~~((2))~~ 3 feet or more above
20 base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated at least
21 3 feet above the BFE.

22 2. New construction and substantial improvement of any residential structure in
23 an AO zone shall meet the requirements in Title 22 under Section 25.06.040.

1 3. New construction and substantial improvement of any residential structure in
2 an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall
3 be reasonably safe from flooding, but in all cases the lowest floor shall be at least 3 feet above
4 the highest adjacent grade.

5 4. New construction and substantial improvement of any residential structure in a
6 VE zone shall meet the requirements in Title 22 under Section 25.06.040, except that the bottom
7 of the lowest horizontal structural members supporting the lowest floor shall be elevated to 3 feet
8 or more above base flood elevation.

9 5. Fully enclosed areas below the lowest floor that are subject to flooding are
10 prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior
11 walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement
12 either are required to be certified by a registered professional civil engineer or architect or are
13 required to meet or exceed the following minimum criteria:

14 a. ~~((A))~~ Have a minimum of two openings having a total net area of not
15 less than 1 square inch for every square foot of enclosed area subject to flooding ~~((shall be~~
16 ~~provided))~~;

17 b. The bottom of all openings shall be no higher than 1 foot above grade;
18 and

19 c. Openings may be equipped with screens, louvers, valves, or other
20 coverings or devices ~~((#))~~ provided that they permit the automatic entry and exit of floodwaters.

21 d. A garage attached to a residential structure, constructed with the garage
22 floor slab below the BFE, must be designed to allow for the automatic entry and exit of
23 floodwaters.

1 B. (~~Non residential and live work unit construction.~~) New construction and substantial
2 improvement of any commercial, industrial, or other non-residential structure (~~, including a~~
3 ~~structure with one or more live work units, shall either have the lowest floor, including~~
4 ~~basement, elevated to 2 feet or more above the level of the base flood elevation or, together with~~
5 ~~attendant utility and sanitary facilities,;)) shall (:(;) meet the requirements of subsection
6 25.06.110.B.1 or 25.06.110.B.2.~~

7 (~~1. Be floodproofed so that below 2 feet above the base flood level the structure~~
8 ~~is watertight with walls substantially impermeable to the passage of water;~~

9 ~~2. Have structural components capable of resisting hydrostatic and hydrodynamic~~
10 ~~loads and effects of buoyancy;~~

11 ~~3. Be certified by a registered professional civil engineer that the design and~~
12 ~~methods of construction are in accordance with accepted standards of practice for meeting~~
13 ~~provisions of this subsection 25.06.110.B based on the civil engineer's development or review of~~
14 ~~the structural design, specifications and plans.))~~

15 1.

16 a. In AE or other A zoned areas where the BFE has been determined or
17 can be reasonably obtained, new construction and substantial improvement of any commercial,
18 industrial, or other nonresidential structure shall have the lowest floor, including basement,
19 elevated 3 feet or more above the BFE, or elevated as required by ASCE 24, whichever is
20 greater. Mechanical equipment and utilities shall be waterproofed or elevated at least 3 feet
21 above the BFE, or as required by ASCE 24, whichever is greater.

22 b. If located in an AO zone, the structure shall meet the requirements in
23 Title 22 under Section 25.06.040.

1 c. If located in an unnumbered A zone for which a BFE is not available
2 and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all
3 cases the lowest floor shall be at least 3 feet above the highest adjacent grade.

4 d. If located in a VE zone, the structure shall meet the requirements in
5 Title 22 under Section 25.06.040, except that the bottom of the lowest horizontal structural
6 members supporting the lowest floor shall be elevated to 3 feet or more above base flood
7 elevation.

8 e. Fully enclosed areas below the lowest floor that are subject to flooding
9 are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior
10 walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement
11 must either be certified by a registered professional engineer or architect or must meet or exceed
12 the following minimum criteria:

13 i. Have a minimum of two openings with a total net area of not less
14 than 1 square inch for every square foot of enclosed area subject to flooding;

15 ii. The bottom of all openings shall be no higher than 1 foot above
16 grade;

17 iii. Openings may be equipped with screens, louvers, valves, or
18 other coverings or devices; or a registered engineer or architect may design and certify
19 engineered openings, provided that they permit the automatic entry and exit of floodwater; and

20 iv. A garage attached to a residential structure, constructed with the
21 garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of
22 floodwaters.

1 2. If the requirements of subsection 25.06.110.B.1 are not met, then new
2 construction and substantial improvement of any commercial, industrial, or other nonresidential
3 structure shall meet all of the following requirements:

4 a. Be dry floodproofed so that the structure below 3 feet above the base
5 flood level is watertight with walls substantially impermeable to the passage of water or dry
6 flood proofed to the elevation required by ASCE 24, whichever is greater;

7 b. Have structural components capable of resisting hydrostatic and
8 hydrodynamic loads and effects of buoyancy;

9 c. Be certified by a registered professional engineer or architect that the
10 design and methods of construction are in accordance with accepted standards of practice for
11 meeting provisions of this subsection 25.06.110.B.2 based on their development and/or review of
12 the structural design, specifications, and plans. Such certifications shall be provided to the
13 official as set forth in subsection 25.06.070.C.

14 d. Non-residential structures (~~or structures with one or more live work~~
15 units)) that are elevated, not floodproofed, shall meet the same standards for space below the
16 lowest floor as set out in subsection 25.06.110.A. (~~2 above~~)5.

17 C. Critical facilities. Construction of new critical facilities shall be located outside the
18 limits of the (~~areas of~~) special flood hazard areas and outside the limits of all other flood-prone
19 areas as defined in Chapter 25.09 where possible. Construction of new critical facilities shall be
20 permissible within (~~areas of~~) special flood hazard areas and all other flood-prone areas as
21 defined in Chapter 25.09 if no feasible alternative site is available. Critical facilities constructed
22 within (~~areas of~~) special flood hazard areas and all other flood-prone areas as defined in
23 Chapter 25.09 shall have the lowest floor elevated to 3 feet above the level of the base flood

1 elevation at the site. Floodproofing and sealing measures shall be taken so that toxic substances
2 will not be displaced by or released into floodwaters. Access routes to all critical facilities shall
3 be elevated to or above the level of the base flood elevation to the extent possible.

4 D. Manufactured homes. All manufactured homes (~~((within Zones A1-30, AH, and AE on~~
5 ~~the FIRM or within all other flood-prone areas as defined in Chapter 25.09))~~ to be placed or
6 substantially improved on sites shall be elevated on a permanent foundation (~~((~~so~~))~~ such that the
7 lowest floor of the manufactured home is (~~((~~2~~))~~ elevated 3 feet or more above the base flood
8 elevation and shall be securely anchored to an adequately anchored foundation system (~~((in~~
9 ~~accordance with the provisions of subsection 25.06.100.A))~~ to resist flotation, collapse, and
10 lateral movement.

11 E. Recreational vehicles. Recreational vehicles placed on sites within (~~((areas of))~~ special
12 flood hazard areas or flood-prone areas as defined in subsection 25.09.012.B shall (~~((be))~~):

- 13 1. (~~((On))~~ Be on the site for fewer than 180 consecutive days; or
- 14 2. (~~((Fully))~~ Be fully licensed and ready for highway use, on their wheels or
15 jacking system, attached to the site only by quick disconnect type utilities and security devices,
16 and be without permanently attached additions; or
- 17 3. Meet the requirements for manufactured homes specified in subsection
18 25.06.110.D(~~((, above))~~).

19 F. Enclosed area below the lowest floor. If buildings or manufactured homes are
20 constructed or substantially improved with fully enclosed areas below the lowest floor, the areas
21 shall be used solely for parking of vehicles, building access, or storage.

22 G. Accessory structures (detached garages and small storage structures) for A Zones

1 1. Accessory structures used solely for parking of vehicles or limited storage may
2 be constructed such that the floor is below the BFE, provided the structure is designed and
3 constructed in accordance with the following requirements:

4 a. Use of the accessory structure must be limited to parking of vehicles or
5 limited storage;

6 b. The portions of the accessory structure located below the BFE must be
7 built using flood resistant materials;

8 c. The accessory structure must be adequately anchored to prevent
9 flotation, collapse, and lateral movement;

10 d. Any machinery or equipment servicing the accessory structure must be
11 elevated or flood proofed to or above the BFE;

12 e. The accessory structure must comply with floodway encroachment
13 provisions in subsection 25.06.120.A;

14 f. The accessory structure must be designed to allow for the automatic
15 entry and exit of floodwaters in accordance with subsection 25.06.110.A.5.

16 g. The structure shall have low damage potential, and

17 h. If the structure is converted to another use, it must be brought into full
18 compliance with the standards governing such use.

19 i. The structure shall not be used for human habitation.

20 2. Detached garages, storage structures, and other accessory structures not
21 meeting the above standards must be constructed in accordance with all applicable standards in
22 subsection 25.06.110.A.5.

1 3. Upon completion of the structure, certification that the requirement of this
2 section has been satisfied shall be provided to the Floodplain Administrator for verification.

3 H. If a project will alter the BFE or boundaries of the special flood hazard area or the
4 flood-prone area as defined in subsection 25.09.012.B, then the project proponent shall provide
5 engineering documentation and analysis regarding the proposed change and:

6 1. If the change to the BFE or boundaries of the special flood hazard area would
7 normally require a Letter of Map Change, then the project proponent shall initiate, and receive
8 approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the
9 development permit. The project shall be constructed in a manner consistent with the approved
10 CLOMR.

11 2. If a CLOMR application is made, then the project proponent shall also submit
12 the full CLOMR documentation package to the floodplain administrator to be attached to the
13 floodplain development permit, including all required property owner notifications.

14 I. Livestock sanctuary areas. Elevated areas for the for the purpose of creating a flood
15 sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood
16 sanctuaries shall be sized appropriately for the expected number of livestock and be elevated at
17 least 3 feet above BFE to protect livestock. Proposals for livestock flood sanctuaries shall meet
18 all procedural and substantive requirements of this Chapter 25.06.

19 **25.06.120 Standards for floodways((☞))**

20 ~~((Areas))~~ Located within special flood hazard areas established in Section 25.06.050 are areas
21 ~~designated as floodways ((are areas of special flood hazard established in Section 25.06.050. The~~
22 ~~following provisions apply to development in designated floodways))~~ . Since the floodway is an

1 extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase
2 erosion potential, the following provisions apply:

3 A. Encroachments, including fill, new construction, substantial improvements, and other
4 development, are prohibited unless certification by a registered professional civil engineer is
5 provided demonstrating through hydrologic and hydraulic analyses performed in accordance
6 with standard engineering practice that the proposed encroachment will not result in any increase
7 in flood levels during the occurrence of the base flood discharge.

8 B. Construction or reconstruction of residential structures is prohibited within designated
9 floodways, except for:

10 ~~((1) repairs))~~ 1. Repairs, reconstruction, or improvements to a structure ~~((which))~~
11 that do not increase the ground-floor area; and

12 ~~((2) repairs))~~ 2. Repairs, reconstruction, or improvements to a structure, the cost
13 of which does not exceed ~~((fifty-))~~50~~((%))~~ percent of the market value of the structure either:

14 ~~((a) before))~~ a. Before the repair, reconstruction, or repair is started, or

15 ~~((b) if))~~ b. If the structure has been damaged, and is being restored, before
16 the damage occurred. ~~((Work done on structures to comply with))~~ Any project for improvement

17 of a structure to correct existing violations of state or local health, sanitary, or safety codes~~((s))~~

18 specifications that have been identified by the local code enforcement official and that are the

19 minimum necessary to assure safe living conditions, or to structures identified as historic or

20 landmark structures may be excluded from the ~~((fifty-))~~50~~((%))~~ percent requirement.

21 C. Substantially damaged residences in floodway

22 1. For all substantially damaged residential structures, other than farmhouses,

23 located in a designated floodway, the floodplain administrator may make a written request that

1 the Department of Ecology assess the risk of harm to life and property posed by the specific
2 conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel
3 migration, debris load potential, and flood warning capability, the Department of Ecology may
4 exercise best professional judgment in recommending to the local permitting authority repair,
5 replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-
6 076. The property owner shall be responsible for submitting to the local government and the
7 Washington State Department of Ecology any information necessary to complete the assessment.
8 Without a favorable recommendation from the department for the repair or replacement of a
9 substantially damaged residential structure located in the regulatory floodway, no repair or
10 replacement is allowed per WAC 173-158-070(1).

11 2. Before the repair, replacement, or reconstruction is started, all requirements of
12 the National Flood Insurance Program, the state requirements adopted pursuant to chapter 86.16
13 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions
14 must be met:

15 a. There is no potential safe building location for the replacement
16 residential structure on the same property outside the regulatory floodway.

17 b. A replacement residential structure is a residential structure built as a
18 substitute for a legally existing residential structure of equivalent use and size.

19 c. Repairs, reconstruction, or replacement of a residential structure shall
20 not increase the total square footage of floodway encroachment.

21 d. The elevation of the lowest floor of the substantially damaged or
22 replacement residential structure is a minimum of three feet higher than the BFE.

1 e. New and replacement water supply systems are designed to eliminate or
2 minimize infiltration of floodwater into the system.

3 f. New and replacement sanitary sewerage systems are designed and
4 located to eliminate or minimize infiltration of floodwater into the system and discharge from the
5 system into the floodwaters.

6 g. All other utilities and connections to public utilities are designed,
7 constructed, and located to eliminate or minimize flood damage.

8 ~~((C))~~D. If the certification of subsection 25.06.120.A ~~((of this section above))~~ is obtained,
9 all new construction and substantial improvements shall comply with all applicable flood hazard
10 reduction provisions of this ~~((chapter))~~ Chapter 25.06.

11 **25.06.130 Standards for shallow flooding areas**~~((?))~~

12 Areas designated as AO zones on the ~~((Flood Insurance Rate Maps))~~ FIRMs are areas of shallow
13 flooding. The following provisions apply to such areas of shallow flooding:

14 A. New construction and substantial improvements of residential structures within AO
15 zones shall have the lowest floor (including basement) elevated above the highest grade adjacent
16 to the building ~~((one (1 foot)))~~ 2 feet or more above the depth number specified on the FIRM or,
17 if no depth number is specified, at least ~~((two (2)))~~ 3 feet.

18 B. New construction and substantial improvements of nonresidential structures ~~((with one~~
19 ~~((1) or more live work units))~~ within AO zones shall either (1) have the lowest floor (including
20 basement) elevated above the highest adjacent grade of the building site ~~((one (1 foot)))~~ 2 feet or
21 more above the depth number specified on the FIRM, or if not depth number is specified, at least
22 ~~((two (2)))~~ 3 feet; or (2) together with attendant utility and sanitary facilities, be completely
23 floodproofed so that any space below the level specified in ~~((subsection))~~ (1) ~~((above))~~ is

1 watertight with walls substantially impermeable to the passage of water and with structural
2 components having the capability of resisting hydrostatic and hydrodynamic loads and effects of
3 buoyancy. If floodproofing is used, compliance with these standards must be certified by a
4 registered professional engineer or architect.

5 C. Adequate drainage paths around structures on slopes to guide floodwaters around and
6 away from proposed structures shall be required.

7 **25.06.132 AE and A1-30 zones with base flood elevations but no floodways**

8 In AE and A1-30 FIRM designated zones with identified BFEs but no identified floodways, new
9 construction, substantial improvements, or other development (including fill) is prohibited unless
10 the applicant can demonstrate that the cumulative effect of the proposed development, when
11 combined with all other existing and anticipated development, will not increase the water surface
12 elevation of the base flood more than 1 foot at any point within the community.

13 **25.06.135. General requirements for other development**

14 All development, including manmade changes to improved or unimproved real estate for which
15 specific provisions are not specified in this Chapter 25.06 or the codes adopted in Subtitles I, V,
16 and VI of Title 22, shall:

17 A. Be located and constructed to minimize flood damage;

18 B. Meet the encroachment limitations of this Chapter 25.06 if located in a regulatory
19 floodway;

20 C. Be anchored to prevent flotation, collapse, or lateral movement resulting from
21 hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

22 D. Be constructed of flood damage-resistant materials;

23 E. Meet the flood opening requirements of subsection 25.06.110.A.5; and

1 E. Have mechanical, plumbing, and electrical systems above the design flood elevation or
2 meet the requirements of ASCE 24, except minimum electric service required by the building
3 and/or electric codes to address life safety may be below design flood elevation if designed per
4 electric code requirements for wet locations.

5 **25.06.136 Floodplain variances**

6 The floodplain variance criteria set forth in this Section 25.06.136 are based on the general
7 principle of zoning law that floodplain variances pertain to a piece of property and are not
8 personal in nature. A floodplain variance may be granted for a parcel of property with physical
9 characteristics so unusual that complying with the requirements of this Chapter 25.06 would
10 create an exceptional hardship to the applicant or the surrounding property owners. The
11 characteristics must be unique to the property and not be shared by adjacent parcels. The unique
12 characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property
13 owners. It is the duty of the Director to help protect its citizens from flooding. This need is so
14 compelling and the implications of the cost of insuring a structure built below the base flood
15 elevation are so serious that floodplain variances from the flood elevation or from other
16 requirements in this Chapter 25.06 are quite rare. The long-term goal of preventing and reducing
17 flood loss and damage can only be met if floodplain variances are strictly limited. Therefore, the
18 floodplain variance guidelines provided in this Chapter 25.06 are more detailed and contain
19 multiple provisions that must be met before a floodplain variance can be properly granted. The
20 criteria are designed to screen out those situations in which alternatives other than a floodplain
21 variance are more appropriate.

22 A. Requirements for floodplain variances

23 1. Floodplain variances shall only be issued:

1 a. Upon a determination that the granting of a floodplain variance will not
2 result in increased flood heights, additional threats to public safety, extraordinary public expense,
3 create nuisances, cause fraud on or victimization of the public, or conflict with existing local
4 laws or ordinances;

5 b. For the repair, rehabilitation, or restoration of historic structures upon a
6 determination that the proposed repair or rehabilitation will not preclude the structure's
7 continued designation as a historic structure and the floodplain variance is the minimum
8 necessary to preserve the historic character and design of the structure;

9 c. Upon a determination that the floodplain variance is the minimum
10 necessary, considering the flood hazard, to afford relief;

11 d. Upon a showing of good and sufficient cause;

12 e. Upon a determination that failure to grant the floodplain variance would
13 result in exceptional hardship to the applicant;

14 f. Upon a showing that the use cannot perform its intended purpose unless
15 it is located or carried out in close proximity to water. This includes only facilities defined as a
16 "Functionally dependent use" under Section 25.06.030.

17 2. Floodplain variances shall not be issued within any floodway if any increase in
18 flood levels during the base flood discharge would result.

19 3. Generally, floodplain variances may be issued for new construction and
20 substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and
21 surrounded by lots with existing structures constructed below the BFE, provided the procedures
22 of this Chapter 25.06 have been fully considered. As the lot size increases beyond one-half acre,
23 the technical justification required for issuing the floodplain variance increases.

1 B. Floodplain variance criteria. In considering floodplain variance applications, the
2 Director shall consider all technical evaluations, all relevant factors, all standards specified in
3 other sections of this Chapter 25.06, and:

4 1. The danger that materials may be swept onto other lands to the injury of others;

5 2. The danger to life and property due to flooding or erosion damage;

6 3. The susceptibility of the proposed facility and its contents to flood damage and
7 the effect of such damage on the individual owner;

8 4. The importance of the services provided by the proposed facility to the
9 community;

10 5. The necessity to the facility of a waterfront location, where applicable;

11 6. The availability of alternative locations for the proposed use, which are not
12 subject to flooding or erosion damage;

13 7. The compatibility of the proposed use with existing and anticipated
14 development;

15 8. The relationship of the proposed use to the comprehensive plan and floodplain
16 management program for that area;

17 9. The safety of access to the property in time of flood for ordinary and
18 emergency vehicles;

19 10. The expected heights, velocity, duration, rate of rise, and sediment transport
20 of the flood waters expected at the site; and

21 11. The costs of providing governmental services during and after flood
22 conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas,
23 electrical, water system, and streets and bridges.

1 C. Additional requirements for the issuance of a floodplain variance

2 1. Any applicant to whom a floodplain variance is granted shall be given written
3 notice over the signature of a community official that:

4 a. The issuance of a floodplain variance to construct a structure below the
5 BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for
6 \$100 of insurance coverage, and

7 b. Such construction below the BFE increases risks to life and property.

8 2. The floodplain administrator shall maintain a record of all floodplain variance
9 actions, including justification for their issuance.

10 3. The floodplain administrator shall condition the floodplain variance as needed
11 to ensure that the requirements and criteria of this Chapter 25.06 are met.

12 4. Floodplain variances as interpreted in the National Flood Insurance Program
13 are based on the general zoning law principle that they pertain to a physical piece of property;
14 they are not personal in nature and do not pertain to the structure, its inhabitants, economic
15 circumstances, or financial circumstances. They primarily address small lots in densely
16 populated residential neighborhoods. As such, floodplain variances from flood elevations should
17 be quite rare.

18 **25.06.140 Penalties for noncompliance((:))**

19 No development shall occur in a(~~n area of~~) special flood hazard area or a flood-prone area as
20 defined in subsection 25.09.012.B in The City of Seattle without full compliance with the terms
21 of this ((chapter)) Chapter 25.06 and other applicable regulations. Any person who violates this
22 ((chapter)) Chapter 25.06 or fails to comply with any of its requirements shall be subject to a
23 cumulative civil penalty in the amount of ((Fifty Dollars (\$50.00))) \$500 per day for each day

1 from the date the violation began until the date compliance with the requirements of this
2 ~~((chapter))~~ Chapter 25.06 is achieved. Nothing ~~((herein))~~ contained in this Chapter 25.06 shall
3 prevent The City of Seattle from taking such other lawful action as is necessary to prevent or
4 remedy any violation.

5 **25.06.150 Wetlands management~~((+))~~**

6 To the maximum extent possible, development shall avoid the short-term and long-term adverse
7 impacts associated with the destruction or modification of wetlands, especially development
8 ~~((which))~~ that limits or disrupts the ability of wetland to alleviate flooding impacts. The
9 ~~((Administrators))~~ floodplain administrators shall implement the following process:

10 A. Review proposals for development within areas of special flood hazard for their
11 possible impacts on wetlands located within such areas;

12 B. Ensure that development activities in or around wetlands do not negatively affect
13 public safety, health, and welfare by disrupting the wetland's ability to reduce flood and storm
14 drainage; and

15 C. Request technical assistance from the Washington State Department of Ecology in
16 identifying wetland areas.

17 Section 3. Section 25.09.030 of the Seattle Municipal Code, last amended by Ordinance
18 126113, is amended as follows:

19 **25.09.030 Location of environmentally critical areas and buffers**

20 A. Environmentally critical areas are defined in Section 25.09.012, and buffers are
21 described in Sections 25.09.090 and 25.09.160. Environmentally critical areas are mapped
22 whenever possible. These maps are advisory except as follows:

1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2021,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2021.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this _____ day of _____, 2021.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2021.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

- 16
17 Attachments:
18 Exhibit 1 – The Flood Insurance Study for King County Washington
19 Exhibit 2 – Flood Insurance Rate Maps
20 Exhibit 3 – Ordinance 126113
21 Exhibit 4 – Ordinance 126271