

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to floodplains; second extension of interim regulations established by Ordinance 126113 for an additional six months, to allow individuals to rely on updated National Flood Insurance Rate Maps to obtain flood insurance through the Federal Emergency Management Agency’s Flood Insurance Program; and amending Section 25.06.110 of the Seattle Municipal Code.

..body

WHEREAS, through Ordinance 126113 in July 2020,<sup>1</sup> the City adopted interim 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 with an effective date of August 24, 2020, and an expiration date of February 24, 2021; and

WHEREAS, through Ordinance 126271 in January 2021,<sup>2</sup> the City extended the interim

floodplain development regulations for 12 months with an effective date of February 22, 2021, and an expiration date of February 22, 2022, to continue to meet the National Flood Insurance Program and the Washington State Department of Ecology requirements to remain in compliance; and

WHEREAS, in July 2021, the City published its State Environmental Policy Act (SEPA)

decision on the proposed permanent regulations that included amendments to the interim code and additional amendments; and

<sup>1</sup> <http://clerk.seattle.gov/search/ordinances/126113>.

<sup>2</sup> <http://clerk.seattle.gov/search/ordinances/126271>.

1 WHEREAS, in July 2021, the City’s SEPA decision was appealed by the Port of Seattle, which  
2 has delayed the adoption of the proposed permanent regulations because the Port and  
3 City staff have been working on amendments to the proposed permanent regulations,  
4 Director’s Rules, Tips, and a memorandum of understanding (MOU) to address the Port’s  
5 concerns; NOW, THEREFORE,

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

7 Section 1. The City Council makes the following legislative findings of fact and declares  
8 as follows:

9 A. The Council incorporates by reference the findings of fact contained in Ordinance  
10 126113.

11 B. In July 2020, the City Council passed and the Mayor signed Ordinance 126113,  
12 establishing interim floodplain development regulations to maintain the City’s standing in the  
13 Federal Emergency Management Agency’s National Flood Insurance Program, enabling  
14 residents to continue to be eligible for flood insurance while preventing development  
15 incompatible with City goals related to development in the floodplains.

16 C. Since that time, the City has proposed permanent floodplain development regulations  
17 that included the amendments proposed in the interim regulations and additional code  
18 amendments, and published its State Environmental Policy Act (SEPA) decision on this  
19 proposal; however, due to factors detailed below, the work necessary to complete the permanent  
20 regulations will not be completed before the expiration of the interim regulations on February 22,  
21 2022.

22 D. The City’s SEPA decision published in July 2021 was appealed to the Hearing  
23 Examiner by the Port of Seattle and Port and City staff have been working to resolve the appeal

1 with code amendments, Director’s Rules, Tips, and a memorandum of understanding (MOU).  
2 However, there are additional outstanding issues that must be resolved. If the parties are not able  
3 to reach agreement on all issues, the parties may need to proceed to hearing.

4 E. Additionally, included in this extension is a correction to the interim regulations. In  
5 Ordinance 126113, the City erroneously reduced the standard for the elevation for non-  
6 residential structures constructed above base flood elevation from 2 feet to 1 foot. This change  
7 was a code drafting error and has resulted in a lower standard of protection from flooding for 18  
8 months. There was no intention to decrease this standard. The intent of the interim regulations  
9 was to keep the standard of 2 feet that existed in the regulations prior to the adoption of the  
10 interim regulations. Section 2 of this ordinance contains amendments to Seattle Municipal Code  
11 (SMC) Section 25.06.110 to correct the error of the elevation standard for non-residential  
12 structures by changing the standard back to 2 feet.

13 F. Revised Code of Washington (RCW) 36.70A.390 authorizes the City to renew interim  
14 regulations by ordinance for a six-month period.

15 Section 2. Section 25.06.110 of the Seattle Municipal Code, last amended by Ordinance  
16 126113, is amended as follows:

17 **25.06.110 Standards involving base flood elevations**

18 In all special flood hazard areas and flood-prone areas as defined in subsection 25.09.012.B,  
19 where base flood elevation data has been provided under Section 25.06.050 or subsection  
20 25.06.090.C, the standards of subsections 25.06.110.A through 25.06.110.H apply.

21 \* \* \*

1 B. New construction and substantial improvement of any commercial, industrial, or other  
2 non-residential structure shall meet the requirements of subsection 25.06.110.B.1 or  
3 25.06.110.B.2.

4 1. a. In AE or other A zoned areas where the BFE has been determined or can be  
5 reasonably obtained, new construction and substantial improvement of any commercial,  
6 industrial, or other nonresidential structure shall have the lowest floor, including basement,  
7 elevated (~~(one foot)~~) 2 feet or more above the BFE, or elevated as required by ASCE 24,  
8 whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at  
9 least (~~(1-foot)~~) 2 feet above the BFE, or as required by ASCE 24, whichever is greater.

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

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

15 d. If located in a VE zone, the structure shall meet the requirements in  
16 Title 22 under Section 25.06.040.

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

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





1 Section 4. This ordinance, which is not subject to referendum, shall take effect and be in  
2 force after its approval by the Mayor, but if not returned and approved by the Mayor within ten  
3 days after presentation.

4 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2022.

7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

10 \_\_\_\_\_  
11 Bruce A. Harrell, Mayor

12 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)