

CITY OF SEATTLE
ORDINANCE 126651
COUNCIL BILL 120356

AN ORDINANCE relating to floodplains; third extension of interim regulations established by Ordinance 126113, and amended by Ordinance 126536, 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.

WHEREAS, through Ordinance 126113 in July 2020,¹ 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 2021,² 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, through Ordinance 126536 in February 2022,³ the City amended Section 25.06.110 of the Seattle Municipal Code and extended the interim floodplain development regulations for six months with an effective date of February 18, 2022, and an expiration

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

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

³ <http://clerk.seattle.gov/search/ordinances/126536>.

1 date of August 18, 2022, to continue to meet the National Flood Insurance Program and
2 the Washington State Department of Ecology requirements to remain in compliance; and

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

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

6 WHEREAS, in July 2021, the City's SEPA decision was appealed by the Port of Seattle, which

7 has delayed the adoption of the proposed permanent regulations because the Port and

8 City staff have been working on amendments to the proposed permanent regulations,

9 Director's Rules, Tips, and a memorandum of understanding (MOU) to address the Port's

10 concerns; and

11 WHEREAS, in February 2022, the City withdrew its SEPA decision to address the issues raised

12 by the Port of Seattle's appeal and will reissue SEPA on the amended proposed

13 permanent Floodplain Development Regulations; NOW, THEREFORE,

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

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

17 A. The Council incorporates by reference the findings of fact contained in Ordinance
18 126113.

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

1 C. Since that time, the City has proposed permanent floodplain development regulations
2 that included the amendments proposed in the interim regulations and additional code
3 amendments and published its State Environmental Policy Act (SEPA) decision on this proposal;
4 however, due to factors detailed below, the work necessary to complete the permanent
5 regulations will not be completed before the expiration of the interim regulations on August 18,
6 2022.

7 D. The City’s SEPA decision published in July 2021 was appealed to the Hearing
8 Examiner by the Port of Seattle (“Port”) and Port and City staff have been working to resolve the
9 issues raised by the Port with code amendments, Director’s Rules, Tips, and a memorandum of
10 understanding (MOU).

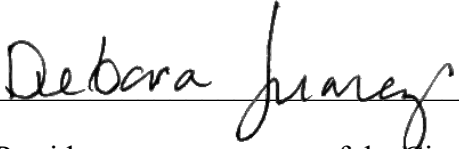
11 E. The City withdrew its SEPA decision in February 2022 in order to reissue an updated
12 SEPA analysis on the amended proposed permanent Floodplain Development Regulations that
13 address some or all issues raised by the Port of Seattle.

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


16 Section 2. Pursuant to RCW 36.70A.390, the interim regulations first set forth in
17 Ordinance 126113, and as amended by Ordinance 126536, shall be extended and in effect for a
18 period of six months from the date this ordinance becomes effective, and shall automatically
19 expire after the six-month period unless the same is extended as provided by statute, or unless
20 terminated sooner by the City Council.

1 Section 3. 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 16th day of August, 2022,
5 and signed by me in open session in authentication of its passage this 16th day of
6 August, 2022.

7 
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this 17th day of August, 2022.

10 
11 Bruce A. Harrell, Mayor

12 Filed by me this 17th day of August, 2022.

13 
14 Elizabeth M. Adkisson, Interim City Clerk

15 (Seal)