



Legislation Text

File #: CB 120253, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

WHEREAS, through Ordinance 126113 in July 2020, 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, 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

WHEREAS, in July 2021, the City's SEPA decision was appealed by the Port of Seattle, which has delayed the adoption of the proposed permanent regulations because the Port and City staff have been working on amendments to the proposed permanent regulations, Director's Rules, Tips, and a memorandum of

understanding (MOU) to address the Port's concerns; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

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

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

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

D. The City's SEPA decision published in July 2021 was appealed to the Hearing Examiner by the Port of Seattle and Port and City staff have been working to resolve the appeal with code amendments, Director's Rules, Tips, and a memorandum of understanding (MOU). However, there are additional outstanding issues that must be resolved. If the parties are not able to reach agreement on all issues, the parties may need to proceed to hearing.

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

(SMC) Section 25.06.110 to correct the error of the elevation standard for non-residential structures by changing the standard back to 2 feet.

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

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

25.06.110 Standards involving base flood elevations

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

* * *

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

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

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

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

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

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

- i. Have a minimum of two openings with a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding;
- ii. The bottom of all openings shall be no higher than 1 foot above grade;
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices; or a registered engineer or architect may design and certify engineered openings, provided that they permit the automatic entry and exit of floodwater; and
- iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

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

- a. Be dry floodproofed so that below ~~((1-foot))~~ 2 feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry ~~((flood proofed))~~ floodproofed to the elevation required by ASCE 24, whichever is greater;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this

subsection 25.06.110.B.2 based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection 25.06.070.C.

d. Non-residential structures that are elevated, not floodproofed, shall meet the same standards for space below the lowest floor as set out in subsection 25.06.110.A.5.

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Section 3. Pursuant to RCW 36.70A.390, the interim regulations first set forth in Ordinance 126113, and as amended by this ordinance, shall be extended and in effect for a period of six months from the date this ordinance becomes effective, and shall automatically expire after the six-month period unless the same is extended as provided by statute, or unless terminated sooner by the City Council.

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

Passed by the City Council the _____ day of _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved by me this _____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)