



Legislation Text

File #: CB 120615, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to floodplains; fifth extension of interim regulations established by Ordinance 126113, and as 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, 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 renewed 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, 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 date of August 18, 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 126651 in August 2022, the City again renewed the interim floodplain

development regulations as amended by Ordinance 126536 for six months with an effective date of August 17, 2022, and an expiration date of February 17, 2023, 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 126763 in February 2023, the City again renewed the interim floodplain development regulations as amended by Ordinance 126536 for six months with an effective date of February 15, 2023, and an expiration date of August 15, 2023, 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; and

WHEREAS, in February 2022, the City withdrew its SEPA decision to address the issues raised by the Port of Seattle's appeal and will reissue SEPA on the amended proposed permanent Floodplain Development Regulations; 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 August 15, 2023.

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

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

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. Pursuant to RCW 36.70A.390, the interim regulations first set forth in Ordinance 126113, and as amended by Ordinance 126536, shall be renewed 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 3. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)