**CITY OF SEATTLE**

**ORDINANCE _____**

COUNCIL BILL _____

AN ORDINANCE relating to floodplains; tenth 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, through Ordinance 126885 in August 2023, the City again renewed the interim floodplain development regulations as amended by Ordinance 126536 for six months with an effective date of August 15, 2023, and an expiration date of February 15, 2024, 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 126994 in February 2024, the City again renewed the interim floodplain development regulations as amended by Ordinance 126536 for six months with an effective date of February 13, 2024, and an expiration date of August 13, 2024, 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 127064 in August 2024, the City again renewed the interim floodplain development regulations as amended by Ordinance 126536 for six months with an effective date of August 7, 2024, and an expiration date of February 7, 2025, 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 127179 in February 2025, the City again renewed the interim floodplain development regulations as amended by Ordinance 126536 for six months with an effective date of February 4, 2025, and an expiration date of August 4, 2025, 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 127258 in August 2025, the City again renewed the interim floodplain development regulations as amended by Ordinance 126536 for six months with an effective date of August 4, 2025, and an expiration date of February 4, 2026, 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 variance guidance document 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 planned to reissue SEPA on the amended proposed permanent Floodplain Development Regulations; and

WHEREAS, in August 2024, 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, the August 2024 SEPA decision was not appealed but it did bring about new interest in the

proposal and has led to additional outreach and discussion; and

WHEREAS, on August 21, 2025, an addendum to the August 1, 2024 Determination of Nonsignificance (DNS) was issued based on a modified legislative proposal for the permanent floodplain development regulations; and

WHEREAS, the permanent floodplain regulation proposal has not yet been transmitted to Council; thus, the Seattle Department of Construction and Inspections now seeks another extension of the interim floodplain regulations to be in place while the City deliberates on the permanent floodplain proposal; 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 (FEMA'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 a new 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 4, 2026.

D. The City's initial SEPA decision, published in July 2021, was appealed to the Hearing Examiner by the Port of Seattle ("Port") and Port and City staff subsequently worked to resolve the issues raised by the Port with code amendments, Director's Rules, Tips, and a variance guidance document.

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. The City issued a new SEPA decision in August 2024 and this decision was not appealed. However, the Port of Seattle continues to request additional amendments, and additional constituents have requested additional engagement with the City and FEMA.

G. 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: immediately after its approval by the Mayor; immediately after its unsigned return by the Mayor; if the Mayor disapproves it and the Council upon reconsideration passes it again, immediately after that passage; or, if not returned by the Mayor within ten days after presentation, 15 days after its passage by the City Council.

Passed by the City Council the _____ day of _____, 2025, and signed by me in open session in authentication of its passage this _____ day of _____, 2025.

_____

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2025.

_____

Bruce Harrell, Mayor

Filed by me this _____ day of _____, 2025.

_____

Scheereen Dedman, City Clerk

(Seal)