

Ordinance No. 12115

Council Bill No. 114503

The City of Seattle Council Bill/Ordinance

2003 Floodplain Ordinance
AN ORDINANCE related to regulation of development in floodplains; amending Seattle Municipal Code Chapter 25.06, Floodplain Development.

CF No. _____

Date Introduced:	MAR 10 2003	
Date 1st Referred:	MAR 10 2003	To: (committee) Land Use Committee
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	4-7-03	Full Council Vote: 6-0
Date Presented to Mayor:	4-7-03	Date Approved: 4/17/03
Date Returned to City Clerk:	4/17/03	Date Published: 11 PAP.
Date Vetted by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

4/1/03 - Pass 1-0
4-7-03 Passed
(Enclosed)

This file is complete and ready

Law Department
Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

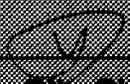

NICASTRO
Councilmember

Principal

Committee Action:

4/1/03 - Pass 1-0 (UN)
4-7-03 Passed 6-0
(Excused: Melvick, Pogala, Stemberge)

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Department
Law Dept. Review OMP Review  City Clerk Review  Electronic Copy Loaded Indexed

*NO fiscal note
forwarded
4/1/03
MKT/TEP/mbk*

ORDINANCE 12115

AN ORDINANCE related to regulation of development in floodplains; amending Seattle
Municipal Code Chapter 25.06, Floodplain Development.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 25.06.030, SMC which was adopted by Ordinance 114395, is
amended as follows:

SMC 25.06.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be
interpreted so as to give them the meaning they have in common usage. For purposes of
this chapter, the following words or phrases shall be defined as described below:

A. "Area of shallow flooding" means a designated AO or AH Zone on the Flood
Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a
clearly defined channel does not exist; the path of flooding is unpredictable and
indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and
AH indicates ponding.

B. "Area of special flood hazard" means the land subject to a one percent (1%) or
greater chance of flooding in any given year. Designation on the Flood Insurance Rate
Map (FIRM) for areas of special flood hazard always includes the letters A or V.

C. "Base flood level" and "base flood elevation" both mean the level or elevation
above mean sea level, as calculated by reference to the National Geodetic Vertical Datum



1 (NGVD), of floodwaters in a particular area during flood having a one percent (1%)
2 chance of occurring in any given year.

3 D. "Critical facility" means a facility for which even a slight chance of flooding
4 might be too great. Critical facilities include, but are not limited to schools, nursing
5 homes, hospitals, police, fire and emergency response installations, nonresidential
6 installations which produce, use or store hazardous materials or hazardous waste.

7
8 E. "Development" means any man-made change to improved or unimproved real
9 estate, including but not limited to buildings or other structures, mining, dredging, filling,
10 grading, paving, excavation or drilling operations or storage of equipment or materials.

11 F. "Director" means the Director of the Department of Design, Construction and
12 Land Use. As used in this chapter, the term includes authorized representatives of the
13 Director of the Department of Design, Construction and Land Use.

14
15 G. "Flood" or "flooding" means a general and temporary condition of partial or
16 complete inundation of normally dry land areas from:

- 17 1. The overflow of inland or tidal waters and/or
18 2. The unusual and rapid accumulation of runoff of surface waters from
19 any source.

20
21 H. "Flood Insurance Rate Map (FIRM)" means the official (~~(preliminary)~~) map
22 dated (~~(September 23, 1988)~~) May 16, 1995, on which the Federal Insurance
23 Administration has delineated both the areas of special flood hazards and the risk
24 premium zones applicable to The City of Seattle.

25
26 I. "Flood Insurance Study" means the official (~~(preliminary)~~) report, entitled "The
27 Flood Insurance Study for King County, Washington and Incorporated Areas," dated



1 ((~~September 23, 1988~~) May 16, 1995), provided by the Federal Insurance Administration,
2 that includes flood profiles, the Flood Boundary -- Floodway Map, and the water surface
3 elevation of the base flood.

4 J. "Floodway" means the channel of a river or other watercourse and the adjacent
5 land areas that must be reserved in order to discharge the base flood without cumulatively
6 increasing the water surface elevation more than one foot (1').
7

8 K. "Lowest floor" means the lowest floor of the lowest enclosed area (including
9 basement). An unfinished or flood-resistant enclosure, usable solely for parking of
10 vehicles, building access or storage, in an area other than a basement area, is not
11 considered a building's lowest floor, provided that such enclosure is not built so as to
12 render the structure in violation of applicable nonelevation design requirements of
13 subsection A2 of Section 25.06.110.
14

15 L. "Manufactured home" means a structure, transportable in one (1) or more
16 sections, which is built on a permanent chassis and is designed for use with or without a
17 permanent foundation when connected to the required utilities. The term "manufactured
18 home" also includes travel trailers and other similar vehicles placed on a site for greater
19 than one hundred eighty (180) consecutive days.
20

21 M. "Manufactured home park" or "manufactured home subdivision" means a
22 parcel (or contiguous parcels) of land divided into two (2) or more manufactured home
23 lots for rent or sale.

24 N. "New construction" means structures for which the "start of construction"
25 commenced on or after the effective date of the ordinance codified in this chapter.
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1 O. Recreational vehicle means a vehicle that is (a) built on a single chassis; (b)
2 400 square feet or less in area when measured at the largest horizontal projection; (c)
3 designed to be self-propelled or permanently towable by a light-duty truck; and (d)
4 designed primarily not for use as a permanent dwelling but as temporary living quarters
5 for recreational, camping, travel, or seasonal use.

6 P. "Start of construction" means and includes substantial improvement, and
7 means the date the building permit was issued, provided the actual start of construction,
8 repair, reconstruction, placement or other improvement was within one hundred eighty
9 (180) days of the permit date. The "actual start" means either the first placement of
10 permanent construction of a structure on a site, such as the pouring of slabs or footings,
11 the installation of piles, the construction of columns, or any work beyond the stage of
12 excavation, or the placement of a manufactured home on a foundation. "Permanent
13 construction" does not include site preparation, such as a clearing, grading or filling; nor
14 does it include the installation of streets and/or walkways; nor does it include excavation
15 for a basement, footings, piers, or foundation or the erection of temporary forms; nor
16 does it include the installation on the property of accessory buildings, such as garages or
17 sheds not occupied as dwelling units or not part of the main structure.

18 ((P)) Q. "Structure" means anything that is built or constructed, an edifice or
19 building of any kind, or any piece of work artificially built up or composed of parts
20 joined together in some definite manner.

21 ((Q)) R. 1. "Substantial improvement" means any repair, reconstruction or
22 improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the
23 market value of the structure either:
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1 a. Before the improvement or repair is started; or

2 b. If the structure has been damaged and is being restored, before
3 the damage occurred.

4 2. For the purpose of this definition, a "substantial improvement"
5 commences when the first alteration on any wall, ceiling, floor or other structural part of
6 the building is made, whether or not that alteration affects the external dimensions of the
7 structure. The term does not, however, include either:

8 a. Any project for improvement of a structure to comply with
9 existing state or local health, sanitary or safety code specifications which are solely
10 necessary to assure safe living conditions; or
11

12 b. Any alteration of a structure which is listed on the National
13 Register of Historic Places or a State Inventory of Historic Places, which is designated as
14 a landmark pursuant to SMC Chapter 25.12 or which is included in a landmark or historic
15 district.
16

17 Section 2. Section 25.06.050, SMC which was last amended by
18 Ordinance 118396, is amended as follows:

19 **SMC 25.06.050 Identification of areas of special flood hazard.**

20 Areas of special flood hazard in The City of Seattle are identified by the Federal
21 Insurance Administration in a scientific and engineering ((preliminary)) report entitled
22 "The Flood Insurance Study for King County, Washington and Incorporated Areas,"
23 dated ((September 23, 1988)) May 16, 1995, with accompanying Flood Insurance Rate
24 Maps. The study and maps are filed in C.F. 296948 and are hereby adopted by reference
25 and declared to be a part of this chapter. The study and maps shall be maintained on file
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1 at the Department of Design, Construction and Land Use and the Seattle Public Utilities
2 and may be maintained on file at the Seattle Park Department, the Seattle-King County
3 Department of Public Health, and other City offices.

4 Section 3. Subsection 25.06.090.I, SMC which was adopted by Ordinance
5 114395, is hereby repealed.

6 Section 4. Section 25.06.110, SMC which was last amended by Ordinance
7 118396, is amended as follows:

8 **SMC 25.06.110 Standards involving base flood elevations.**

9 In all areas of special flood hazards where base flood elevation data has been provided
10 under Section 25.06.050 or subsection C of Section 25.06.090, the following are
11 required:
12

13 A. Residential Construction.

14 1. New construction and substantial improvement of any residential
15 structure shall have the lowest floor, including basement, elevated to two feet (2') or more
16 above base flood elevation ~~((, or as otherwise approved by the Director of the Department~~
17 ~~of Construction and Land Use in consultation with the Director of Seattle Public~~
18 ~~Utilities))~~.
19

20 2. Fully enclosed areas below the lowest floor that are subject to flooding
21 are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on
22 exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this
23 requirement must either be certified by a registered professional civil engineer or
24 architect or must meet or exceed the following minimum criteria:
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1 a. A minimum of two (2) openings having a total net area of not
2 less than one (1) square inch for every square foot of enclosed area subject to flooding
3 shall be provided;

4 b. The bottom of all openings shall be no higher than one foot (1')
5 above grade;

6 c. Openings may be equipped with screens, louvers or other
7 coverings or devices provided that they permit the automatic entry and exit of
8 floodwaters.
9

10 B. Nonresidential Construction. New construction and substantial improvement
11 of any commercial, industrial or other nonresidential structure shall either have the lowest
12 floor, including basement, elevated to two feet (2') or more above the level of the base
13 flood elevation, ~~((or as otherwise approved by the Director of the Department of
14 Construction and Land Use in consultation with the Director of Seattle Public Utilities;))~~
15 or, together with attendant utility and sanitary facilities, shall:
16

17 1. Be floodproofed so that below two feet (2') above the base flood level
18 the structure is watertight with walls substantially impermeable to the passage of water;
19

20 2. Have structural components capable of resisting hydrostatic and
21 hydrodynamic loads and effects of buoyancy;

22 3. Be certified by a registered professional civil engineer that the design
23 and methods of construction are in accordance with accepted standards of practice for
24 meeting provisions of this subsection based on their development and/or review of the
25 structural design, specifications and plans. Such certifications shall be provided as set
26 forth in subsection C of Section 25.06.070.
27
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1 Nonresidential structures that are elevated, not floodproofed, must
2 meet the same standards for space below the lowest floor as described in subsection A2
3 above. Applicants floodproofing nonresidential buildings shall be notified that flood
4 insurance premiums will be based on rates that are one foot (1') below the floodproofed
5 level (e.g., a building floodproofed to one foot (1') above the base flood level will be
6 rated as at the base flood level).

7
8 C. Critical Facilities. Construction of new critical facilities shall be located
9 outside the limits of the areas of special flood hazard where possible. Construction of
10 new critical facilities shall be permissible within areas of special flood hazard if no
11 feasible alternative site is available. Critical facilities constructed within areas of special
12 flood hazard shall have the lowest floor elevated to three feet (3') above the level of the
13 base flood elevation at the site. Floodproofing and sealing measures must be taken to
14 ensure that toxic substances will not be displaced by or released into floodwaters. Access
15 routes to all critical facilities shall be elevated to or above the level of the base flood
16 elevation to the extent possible.

17
18 D. Manufactured Homes. All manufactured homes (~~to be placed or substantially~~
19 ~~improved~~) within Zones A1--30, AH, and AE on the FIRM shall be elevated on a
20 permanent foundation so that the lowest floor of the manufactured home is two feet (2')
21 or more above the base flood elevation, (~~or as otherwise approved by the Director of the~~
22 ~~Department of Construction and Land Use in consultation with the Director of Seattle~~
23 ~~Public Utilities;~~) and shall be securely anchored to an adequately anchored foundation
24 system in accordance with the provisions of Section 25.06.100 A. (~~This subsection~~
25 ~~applies to manufactured homes to be placed or substantially improved in an expansion to~~
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1 ~~an existing manufactured home park or subdivision. This subsection does not apply to~~
2 ~~manufactured homes to be placed or substantially improved in an existing manufactured~~
3 ~~home park or subdivision except where the repair, reconstruction or improvement of the~~
4 ~~streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets,~~
5 ~~utilities and pads before repair, reconstruction or improvement has commenced.))~~

6
7 E. Recreational Vehicles. Recreational vehicles placed on sites within areas of
8 special flood hazard shall either (1) be on the site for fewer than 180 consecutive days;
9 (2) be fully licensed and ready for highway use, on their wheels or jacking system,
10 attached to the site only by quick disconnect type utilities and security devices, and be
11 without permanently attached additions; or (3) meet the requirements for manufactured
12 homes specified in Subsection 25.06.110.D above.

13
14 Section 5. Section 25.06.120, SMC which was adopted by Ordinance 114395, is
15 amended as follows:

16 **SMC 25.06.120 Standards for floodways.**

17 Areas designated as floodways are areas of special flood hazard established in Section
18 25.06.050. The following provisions apply to development in designated floodways:

19
20 A. Encroachments, including fill, new construction, substantial improvements,
21 and other development, are prohibited unless certification by a registered professional
22 civil engineer ~~((or architect))~~ is provided demonstrating ~~((that))~~ through hydrologic and
23 hydraulic analyses performed in accordance with standard engineering practice that the
24 proposed encroachment ((shall)) will not result in any increase in flood levels during the
25 occurrence of the base flood discharge.



1 B. Construction or reconstruction of residential structures is prohibited within
2 designated floodways, except for (1) repairs, reconstruction, or improvements to a
3 structure which do not increase the ground-floor area; and (2) repairs, reconstruction or
4 improvements to a structure, the cost of which does not exceed fifty percent (50%) of the
5 market value of the structure either (a) before the repair, reconstruction or repair is
6 started, or (b) if the structure has been damaged, and is being restored, before the damage
7 occurred. Work done on structures to comply with existing health, sanitary or safety
8 codes, or to structures identified as historic or landmark structures (~~shall not be included~~
9 ~~in~~) may be excluded from the fifty percent (50%) requirement.
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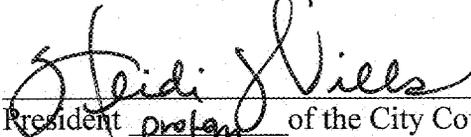


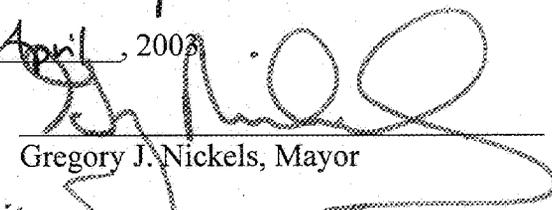
1 C. If the certification of subsection A of this section above is obtained, all new
2 construction and substantial improvements shall comply with all applicable flood hazard
3 reduction provisions of this chapter.

4 Section 6. The provisions of this ordinance are declared to be separate and
5 severable. The invalidity of any particular provision shall not affect the validity of any
6 other provision.

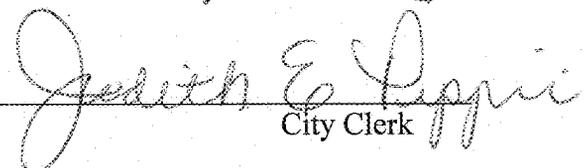
7
8 Section 7. This ordinance shall take effect and be in force thirty (30) days from
9 and after its approval by the Mayor, but if not approved and returned by the Mayor within
10 ten (10) days after presentation, it shall take effect as provided by Municipal Code
11 Section 1.04.020.

12
13 Passed by the City Council the 7th day of April, 2003, and signed by me
14 in open session in authentication of its passage this 7th day of April, 2003.

15
16 
17 President pro tem of the City Council

18 Approved by me this 17th day of April, 2003.
19
20 
21 Gregory J. Nickels, Mayor

22 Filed by me this 17 day of April, 2003.

23 
24 City Clerk

25 (Seal)



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

January 6, 2003

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The attached ordinance revises Seattle's Floodplain Development Regulations to bring them into compliance with federal standards. The proposed ordinance is important for maintaining compliance with FEMA requirements. The federal government makes floodplain insurance available to the citizens of Seattle, and in return the City has agreed to enforce certain floodplain regulations.

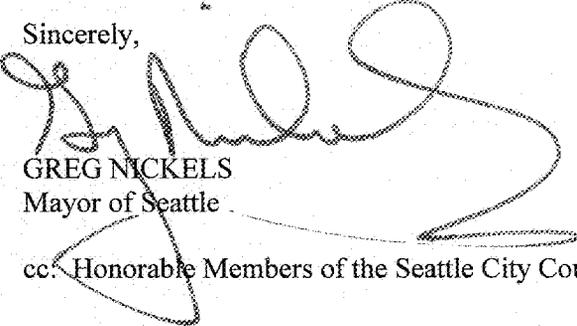
The ordinance does not propose any significant changes to current practices. Specific changes include updating to current FEMA flood maps, adding a definition of recreational vehicle and requiring RVs to be regulated as manufactured homes, removing DCLU's authority to approve waivers of floodplain regulations, and adding storage of materials to the list of activities subject to the floodplain regulations. These changes are not expected to be controversial.

There are two possible consequences of failure to adopt the ordinance. First, the City could, in theory, be expelled from the flood insurance program. Second, FEMA will not award grants to local jurisdictions that fail to enforce floodplain regulations. For example, Seattle Department of Transportation grants for earthquake repair depend on adequate local enforcement of floodplain regulations.

FEMA has reviewed this draft ordinance and determined that it satisfies FEMA requirements.

Thank you for your consideration of this legislation. Should you have questions please contact Maureen Traxler at 233.3892.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc. Honorable Members of the Seattle City Council

600 Fourth Avenue, 12th Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E.mail: mayors.office@ci.seattle.wa.us

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



STATE OF WASHINGTON - KING COUNTY

--SS.

157572
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 121115

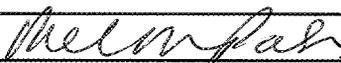
was published on

4/28/2003



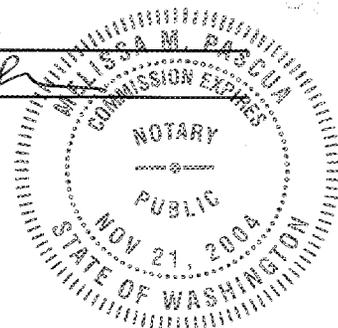
Subscribed and sworn to before me on

4/28/2003



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, Kin

City of Seattle

ORDINANCE 121115

AN ORDINANCE related to regulation of development in floodplains, amending Seattle Municipal Code Chapter 25.06, Floodplain Development.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

1. The provisions of this ordinance shall be separate and severable. The provisions of this ordinance shall not be affected by the repeal, amendment, or repeal of any other provision.

2. This ordinance shall take effect on the 10th day from and after the date of its passage and after the Mayor, but if not approved by the Mayor or within ten (10) days after the Mayor's approval, it shall take effect as if approved by the Mayor.

3. The City Council shall take effect on the 10th day of the month of its passage and after the Mayor, but if not approved by the Mayor or within ten (10) days after the Mayor's approval, it shall take effect as if approved by the Mayor.

4. The City Council shall take effect on the 10th day of the month of its passage and after the Mayor, but if not approved by the Mayor or within ten (10) days after the Mayor's approval, it shall take effect as if approved by the Mayor.

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City of Seattle

Project General Water Improvement
Date: May 14
June 120973
2003-026

884-7898
9810-6004 (208) 884-7818 FAX (206)
Fifth Avenue, Seattle, WA 98101
Utilities, Room 4798, Key Tower 700

Obtained by Bidders at
Drawings and Project Manual may be
meeting.

All attendees entering the site will be
requested to show picture identification and a
company or organization they are representing.
No bid will be accepted from any bidder
who does not attend the mandatory pre-bid
meeting.

(1) Names of all attendees in their party
(2) Name of Company
(3) Daytime phone with area code

will be held on Tuesday, May 6,
9:00 AM at the Boundary Dam
County Washington Building, P.O. Box
Bidders and others wanting to attend are
requested to pre-register for the meeting by
contacting Dave Anderson at (206) 884-3933
by no later than 3:00 P.M. on Monday, May
5, 2003 and providing:

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