



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19128

**Proposed No.** 2020-0045.2

**Sponsors** Upthegrove

1 AN ORDINANCE related to floodplain development  
2 regulations; amending Ordinance 12196, Section 9, as  
3 amended, and K.C.C. 20.20.020, Ordinance 10870, Section  
4 57, and K.C.C. 21A.06.085, Ordinance 17173, Section 1,  
5 and K.C.C. 21A.06.202, Ordinance 15051, Section 28, and  
6 K.C.C. 21A.06.331, Ordinance 15051, Section 42, and  
7 K.C.C. 21A.06.453, Ordinance 10870, Section 131, as  
8 amended, and K.C.C. 21A.06.455, Ordinance 10870,  
9 Section 135, as amended, and K.C.C. 21A.06.475,  
10 Ordinance 15051, Section 49, and K.C.C. 21A.06.478,  
11 Ordinance 10870, Section 136, as amended, and K.C.C.  
12 21A.06.480, Ordinance 10870, Section 137, as amended,  
13 and K.C.C. 21A.06.485, Ordinance 10870, Section 138, as  
14 amended, and K.C.C. 21A.06.490, Ordinance 17539,  
15 Section 18, and K.C.C. 21A.06.497, Ordinance 15051,  
16 Section 65, and K.C.C. 21A.06.599, Ordinance 10870,  
17 Section 294, as amended, and K.C.C. 21A.06.1270,  
18 Ordinance 10870, Section 454, as amended, and K.C.C.  
19 21A.24.070, Ordinance 10870, Section 470, as amended,

Ordinance 19128

---

20 and K.C.C. 21A.24.230, Ordinance 10870, Section 471, as  
21 amended, and K.C.C. 21A.24.240, Ordinance 10870,  
22 Section 472, as amended, and K.C.C. 21A.24.250,  
23 Ordinance 10870, Section 473, as amended, and K.C.C.  
24 21A.24.260, Ordinance 10870, Section 474, as amended,  
25 and K.C.C. 21A.24.270, Ordinance 17539, Section 54 and  
26 K.C.C. 21A.24.271, and Ordinance 17173, Section 2 and  
27 K.C.C. 21A.24.272, adding new sections to K.C.C. chapter  
28 21A.24 and repealing Ordinance 15051, Section 9 and  
29 K.C.C. 21A.06.087, Ordinance 15051, Section 48 and  
30 K.C.C. 21A.06.476, Ordinance 15051, Section 71 and  
31 K.C.C. 21A.06.683 and Ordinance 15051, Section 72 and  
32 K.C.C. 21A.06.684.

33 STATEMENT OF FACTS:

34 1. In RCW 86.16.041, the Washington state Legislature has delegated the  
35 responsibility to each community to adopt floodplain management  
36 regulations designed to promote the public health, safety and general  
37 welfare of its citizenry. Therefore, King County's floodplains are  
38 regulated as adopted in K.C.C. Title 21A and as amended in this  
39 ordinance.

40 2. The degree of flood protection required by K.C.C. Title 21A is  
41 considered reasonable for regulatory purposes and is based on scientific  
42 and engineering considerations. Larger floods can and will occur on rare

Ordinance 19128

---

43 occasions. Flood heights may be increased by human-made or natural  
44 causes. This ordinance does not imply that land outside the special flood  
45 hazard areas or uses permitted within such areas will be free from flooding  
46 or flood damages.

47 3. King County has a strong commitment to supporting agricultural uses  
48 within the county. Federal floodplain management regulations require  
49 communities to regulate residential and nonresidential buildings, which  
50 encompass agricultural buildings, to at least the Federal Emergency  
51 Management Agency's minimum requirements. In February 2020, the  
52 Federal Emergency Management Agency ("FEMA") issued new policy  
53 guidance for agricultural buildings. Through this ordinance, King County  
54 is taking advantage of the opportunities that FEMA allows in the policy  
55 guidance to provide new flexibility for agricultural property owners in  
56 King County's floodplains. Additionally, the county intends to request a  
57 communitywide exception from FEMA in order to allow the safe  
58 placement of certain agricultural buildings within the floodplain without  
59 the need for a variance process. If such a communitywide exception is  
60 approved by FEMA, the county intends to update these floodplain  
61 development regulations in order to match that approval.

62 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

63 SECTION 1. The elements of the King County Shoreline Master Program in  
64 section 17 of this ordinance are hereby amended to read as set forth in this ordinance and  
65 are incorporated herein by this reference.

Ordinance 19128

---

66            SECTION 2. The FEMA floodway and floodplain identified in a scientific and  
67 engineering report entitled Flood Insurance Study for King County, Washington and  
68 Incorporated Areas, dated August 19, 2020, which is Attachment A to this ordinance,  
69 with accompanying Flood Insurance Rate Maps in Attachment B to this ordinance, and  
70 any revisions thereto, are hereby adopted and regulated as part of the flood hazard area  
71 for unincorporated King County. The Flood Insurance Study and Flood Insurance Rate  
72 Maps are available at the department of natural resources and parks at 201 South Jackson  
73 Street, Seattle, WA.

74            SECTION 3. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are  
75 hereby amended to read as follows:

76            A. Land use permit decisions are classified into four types, based on who makes  
77 the decision, whether public notice is required, whether a public hearing is required before  
78 a decision is made and whether administrative appeals are provided. The types of land use  
79 decisions are listed in subsection E. of this section.

80            1. Type 1 decisions are made by the permitting division manager or designee  
81 ("director") of the department of local services ("department"). Type 1 decisions are  
82 nonappealable administrative decisions.

83            2. Type 2 decisions are made by the director. Type 2 decisions are discretionary  
84 decisions that are subject to administrative appeal.

85            3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner  
86 following an open record hearing. Type 3 decisions may be appealed to the county council,  
87 based on the record established by the hearing examiner.

88            4. Type 4 decisions are quasi-judicial decisions made by the council based on the

Ordinance 19128

---

89 record established by the hearing examiner.

90 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise  
 91 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit  
 92 applications that would require more than one type of land use decision process may be  
 93 processed and decided together, including any administrative appeals, using the highest-  
 94 numbered land use decision type applicable to the project application.

95 C. Certain development proposals are subject to additional procedural requirements  
 96 beyond the standard procedures established in this chapter.

97 D. Land use permits that are categorically exempt from review under SEPA do not  
 98 require a threshold determination (determination of nonsignificance ["DNS"] or  
 99 determination of significance ["DS"]). For all other projects, the SEPA review procedures  
 100 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

101 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary
--------	--------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Ordinance 19128

		<p>line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; <u>decisions to approve, condition or deny nonresidential elevation and dry floodproofing variances for agricultural buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars under K.C.C. chapter 21A.24</u>; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300; final short plat; final plat.</p>
<p>TYPE 2<sup>1,2</sup></p>	<p>(Decision by director appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit<sup>3</sup>; building</p>

## Ordinance 19128

		<p>permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions <u>or variances to floodplain development regulations</u> under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.</p>
TYPE 3 <sup>1</sup>	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 <sup>1,4</sup>	(Recommendation by director, hearing and recommendation by hearing examiner decision by county)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

Ordinance 19128

---

	council on the record)	
--	------------------------	--

102 <sup>1</sup> See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA  
 103 appeals and appeals of Type 3 and 4 decisions to the council.

104 <sup>2</sup> When an application for a Type 2 decision is combined with other permits requiring  
 105 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes  
 106 the decision.

107 <sup>3</sup> A shoreline permit, including a shoreline variance or conditional use, is appealable to  
 108 the state Shorelines Hearings Board and not to the hearing examiner.

109 <sup>4</sup> Approvals that are consistent with the Comprehensive Plan may be considered by the  
 110 council at any time. Zone reclassifications that are not consistent with the  
 111 Comprehensive Plan require a site-specific land use map amendment and the council's  
 112 hearing and consideration shall be scheduled with the amendment to the Comprehensive  
 113 Plan under K.C.C. 20.18.040 and 20.18.060.

114 F. The definitions in K.C.C. 21A.45.020 apply to this section.

115 SECTION 4. Ordinance 10870, Section 57, and K.C.C. 21A.06.085 are hereby  
 116 amended to read as follows:

117 Base flood elevation: the ~~((water surface elevation of the base flood in relation to~~  
 118 ~~the National Geodetic Vertical Datum of 1929))~~ elevation to which floodwater is  
 119 anticipated to rise during the base flood.

120 SECTION 5. Ordinance 17173, Section 1, and K.C.C. 21A.06.202 are hereby  
 121 amended to read as follows:

122 Coastal high hazard area: Coastal high hazard area means an area of special flood  
 123 hazard extending from offshore to the inland limit of a primary frontal dune along an

Ordinance 19128

---

124 open coast and any other area subject to high velocity wave action from storms or seismic  
 125 sources. The area is designated on the ~~((f))~~Flood ~~((i))~~Insurance ~~((r))~~Rate ~~((m))~~Maps as  
 126 ~~((zone V1-30,))~~ VE ~~((or V, and))~~ or AE~~((, AO or AH))~~ zones that are immediately  
 127 adjacent to the ~~((V1-30,))~~ VE ~~((or V zones))~~ zone.

128 SECTION 6. Ordinance 15051, Section 28, and K.C.C. 21A.06.331 are hereby  
 129 amended to read as follows:

130 Draft flood boundary work map: a floodplain map prepared by a mapping  
 131 partner, reflecting the results of a flood study or other floodplain mapping analysis. The  
 132 draft flood boundary work map depicts floodplain boundaries, ~~((regulatory))~~ FEMA  
 133 floodway and zero-rise floodway boundaries, base flood elevations and flood cross-  
 134 sections, and provides the basis for the presentation of this information on a Preliminary  
 135 Flood Insurance Rate Map or Flood Insurance Rate Map.

136 SECTION 7. Ordinance 15051, Section 42, and K.C.C. 21A.06.453 are hereby  
 137 amended to read as follows:

138 Federal Emergency Management Agency: the ~~((independent))~~ federal agency  
 139 that, among other responsibilities, oversees the administration of the National Flood  
 140 Insurance Program.

141 SECTION 8. Ordinance 10870, Section 131, as amended, and K.C.C.  
 142 21A.06.455 are hereby amended to read as follows:

143 FEMA floodway: the channel of the stream or other watercourse and ~~((that~~  
 144 ~~portion of the adjoining floodplain that is necessary to contain and))~~ the adjacent land  
 145 areas that must be reserved in order to discharge the base flood ~~((flow))~~ without  
 146 cumulatively increasing the ~~((base flood))~~ water surface elevation more than ~~((one foot))~~

---

Ordinance 19128

---

147 a designated height at any point. The FEMA floodway is delineated on the Flood  
148 Insurance Rate Map and on King County Surface Water Design Manual major floodplain  
149 or floodway studies.

150 SECTION 9. Ordinance 10870, Section 135, as amended, and K.C.C.  
151 21A.06.475 are hereby amended to read as follows:

152 Flood hazard area: any area subject to inundation by the base flood or risk from  
153 channel migration including, but not limited to, an aquatic area, wetland or closed  
154 depression. A flood hazard area may contain one or more of the following components:

155 A. Floodplain;

156 B. Special flood hazard area, as shown on the Flood Insurance Rate Maps;

157 C. Zero-rise ((flooding)) flood fringe;

158 ~~((C))~~ D. Zero-rise floodway;

159 ~~((D:))~~ E. FEMA floodway; and

160 ~~((E:))~~ F. Channel migration zones.

161 SECTION 10. Ordinance 15051, Section 49, and K.C.C. 21A.06.478 are hereby  
162 amended to read as follows:

163 Flood hazard data: data or any combination of data available from federal, state  
164 or other sources including, but not limited to, maps, critical area studies, reports,  
165 historical flood hazard information, channel migration zone maps or studies or other  
166 related engineering and technical data that identify floodplain boundaries, ~~((regulatory))~~  
167 FEMA floodway or zero-rise floodway boundaries, base flood elevations or flood cross-  
168 sections.

169 SECTION 11. Ordinance 10870, Section 136, as amended, and K.C.C.

---

Ordinance 19128

---

170 21A.06.480 are hereby amended to read as follows:

171 Flood Insurance Rate Map: the ~~((insurance and floodplain management map~~  
172 ~~produced by FEMA that identifies, based on detailed or approximate analysis, the areas~~  
173 ~~subject to flooding during the base flood)) official map of a community on which the  
174 Federal Emergency Management Agency has delineated the FEMA Floodway, special  
175 flood hazard areas and the risk premium zones applicable to the community.~~

176 SECTION 12. Ordinance 10870, Section 137, as amended, and K.C.C.

177 21A.06.485 are hereby amended to read as follows:

178 Flood Insurance Study ~~((for King County and Incorporated Areas))~~: the ~~((April~~  
179 ~~19, 2005,))~~ official report entitled Flood Insurance Study for King County, Washington  
180 and Incorporated Areas, dated August 19, 2020, provided by FEMA that includes flood  
181 profiles and the Flood Insurance Rate Map, ~~((along with any subsequently adopted))~~ and  
182 revisions thereto.

183 SECTION 13. Ordinance 10870, Section 138, as amended, and K.C.C.

184 21A.06.490 are hereby amended to read as follows:

185 Flood protection elevation: an elevation that is three feet above the base flood  
186 elevation. ~~((For flood zones that establish flood depths instead of base flood elevations,~~  
187 ~~the flood protection elevation is the depth number specified in feet on the flood insurance~~  
188 ~~rate map plus one foot. The flood protection elevation is measured from the highest~~  
189 ~~adjacent grade of the footprint of the existing or proposed structure. If the flood~~  
190 ~~insurance rate map does not specify a depth, the flood protection elevation is at least two~~  
191 ~~feet as measured from the highest adjacent grade of the footprint of the existing or~~  
192 ~~proposed structure.))~~

Ordinance 19128

---

193            SECTION 14. Ordinance 17539, Section 18, and K.C.C. 21A.06.497 are hereby  
194 amended to read as follows:

195            A. Floodplain development: any human-made change to improved or  
196 unimproved real estate in the floodplain, including, but not limited to, buildings or other  
197 structures, mining, dredging, filling, grading, paving, excavation or drilling operations,  
198 storage of equipment or materials, subdivision or short subdivision of land and removal  
199 of more than five percent of the native vegetation on the site.

200            B. Examples of human-made changes that are not considered "~~((F))~~floodplain  
201 development" ((does not)) include:

202            1. Routine maintenance of landscaping that does not involve grading,  
203 excavation or filling;

204            2. Removal of noxious weeds or invasive vegetation and replacement of  
205 nonnative vegetation with native vegetation;

206            3. Removal of a hazard tree;

207            4. ~~((Maintenance and repair of an existing structure;~~

208            ~~5. Maintenance and repair of an above-ground utility;~~

209            ~~6.))~~ Maintenance of the public road right-of-way ~~((structure))~~ outside of the  
210 floodplain as shown on the Flood Insurance Rate Map, unless otherwise specified in  
211 K.C.C. Title 9 or the Surface Water Design Manual; and

212            ~~((7. Maintenance, repair or replacement of a flood protection facility; and~~

213            ~~8. Agricultural activity))~~ 5. Agricultural activities with a low-impact on flood  
214 hazards, including tilling, discing, planting, seeding, harvesting, preparing soil, rotating  
215 crops, fertilizing, grazing and related activity that does not include grading or fill.

---

Ordinance 19128

---

216            SECTION 15. Ordinance 15051, Section 65, and K.C.C. 21A.06.599 are hereby  
217 amended to read as follows:

218            Historical flood hazard information: information that identifies floodplain  
219 boundaries, ~~((regulatory))~~ FEMA floodway or zero-rise floodway boundaries, base flood  
220 elevations~~((;))~~ or flood cross-sections, including, but not limited to, photos, video  
221 recordings, high water marks, survey information or news agency reports.

222            SECTION 16. Ordinance 10870, Section 294, as amended, and K.C.C.  
223 21A.06.1270 are hereby amended to read as follows:

224            Substantial improvement:

225            A.1. Any maintenance, repair, structural modification, addition or other  
226 improvement of a structure, the cost of which equals or exceeds fifty percent of the  
227 market value of the structure either:

- 228            a. before the improvement or repair is started; or  
229            b. if the structure has been damaged and is being restored, before the damage  
230 occurred.

231            2. For purposes of this definition, the cost of any improvement is considered to  
232 begin when the first alteration of any wall, ceiling, floor or other structural part of the  
233 building begins, whether or not that alteration affects the external dimensions of the  
234 structure; and

235            B. Does not include ~~((either))~~:

- 236            1. ~~((Any projects for i))~~Improvement of a structure ~~((for purposes of flood~~  
237 ~~mitigation, including but not limited to elevating a structure to the base flood elevation,~~  
238 ~~ø))~~ to correct existing violations of state or local health, sanitary or safety code

Ordinance 19128

---

239 specifications that have been identified by the local code enforcement official and that are  
240 the minimum necessary to ensure safe living conditions; or

241 2. ~~((any-a))~~Alteration of a structure listed on the national Register of Historic  
242 Places or a state or local inventory of historic resources.

243 SECTION 17. Ordinance 10870, Section 454, as amended, and K.C.C.  
244 21A.24.070 are hereby amended to read as follows:

245 A. The director may approve alterations to critical areas, critical area buffers and  
246 critical area setbacks, except for flood hazard areas, not otherwise allowed by this chapter  
247 as follows:

248 1. Except as otherwise provided in subsection A.2. of this section, for linear  
249 alterations, the director may approve alterations to critical areas, critical area buffers and  
250 critical area setbacks only when all of the following criteria are met:

251 a. there is no feasible alternative to the development proposal with less adverse  
252 impact on the critical area;

253 b. the proposal minimizes the adverse impact on critical areas to the maximum  
254 extent practical;

255 c. the approval does not require the modification of a critical area development  
256 standard established by this chapter;

257 d. the development proposal does not pose an unreasonable threat to the public  
258 health, safety or welfare on or off the development proposal site and is consistent with the  
259 general purposes of this chapter and the public interest;

260 e. the linear alteration:

261 (1) connects to or is an alteration to a public roadway, regional light rail

Ordinance 19128

---

262 transit line, public trail, a utility corridor or utility facility or other public infrastructure  
263 owned or operated by a public utility; or

264 (2) is required to overcome limitations due to gravity;

265 2. In order to accommodate the siting of a regional light rail transit facility  
266 under RCW 36.70A.200, the director may approve alterations to critical areas, critical  
267 area buffers and critical area setbacks not otherwise allowed by this chapter and may  
268 impose reasonable conditions to minimize the impact of the light rail transit facility on  
269 the critical area and its buffer; and

270 3. For nonlinear alterations the director may approve alterations to critical areas  
271 except wetlands, unless otherwise allowed under subsection A.3.h. of this section, aquatic  
272 areas and wildlife habitat conservation areas, and alterations to critical area buffers and  
273 critical area setbacks, when all of the following criteria are met:

274 a. there is no feasible alternative to the development proposal with less adverse  
275 impact on the critical area;

276 b. the alteration is the minimum necessary to accommodate the development  
277 proposal;

278 c. the approval does not require the modification of a critical area development  
279 standard established by this chapter (~~except as set forth in subsection A.3.i. of this~~  
280 ~~section~~));

281 d. the development proposal does not pose an unreasonable threat to the public  
282 health, safety or welfare on or off the development proposal site and is consistent with the  
283 general purposes of this chapter and the public interest;

284 e. for dwelling units, no more than five thousand square feet or ten percent of

Ordinance 19128

---

285 the site, whichever is greater, may be disturbed by structures, building setbacks or other  
286 land alteration, including grading, utility installations and landscaping, but not including  
287 the area used for a driveway or for an on-site sewage disposal system. When the site  
288 disturbance is within a critical area buffer, the building setback line shall be measured  
289 from the building footprint to the edge of the approved site disturbance;

290 f. to the maximum extent practical, access is located to have the least adverse  
291 impact on the critical area and critical area buffer;

292 g. the critical area is not used as a salmonid spawning area; and

293 h. the director may approve an alteration in a category II, III and IV wetland  
294 for development of a public school facility(~~and~~

295 ~~i. the director may approve an alteration to the elevation or dry flood proofing~~  
296 ~~standards in K.C.C. 21A.24.240.F.1. or 21A.24.240.F.2. for nonresidential agricultural~~  
297 ~~accessory buildings that equal or exceed a maximum assessed value of sixty five~~  
298 ~~thousand dollars if the development proposal meets the criteria in subsection A.3. of this~~  
299 ~~section and the standards in K.C.C. 21A.24.240.F.4. through 21A.24.240.G)).~~

300 B. The director may approve alterations to critical areas, critical area buffers and  
301 critical area setbacks, except for flood hazard areas, if the application of this chapter  
302 would deny all reasonable use of the property as follow:

303 1. If the critical area, critical area buffer or critical area setback is outside of the  
304 shoreline jurisdiction, the applicant may apply for a reasonable use exception under this  
305 subsection without first having applied for an alteration exception under this section if the  
306 requested reasonable use exception includes relief from development standards for which  
307 an alteration exception cannot be granted under this section. The director shall determine

---

Ordinance 19128

---

308 that all of the following criteria are met:

309 a. there is no other reasonable use with less adverse impact on the critical area;

310 b. development proposal does not pose an unreasonable threat to the public

311 health, safety or welfare on or off the development proposal site and is consistent with the

312 general purposes of this chapter and the public interest;

313 c. any authorized alteration to the critical area or critical area buffer is the

314 minimum necessary to allow for reasonable use of the property; and

315 d. for dwelling units, no more than five thousand square feet or ten percent of

316 the site, whichever is greater, may be disturbed by structures, building setbacks or other

317 land alteration, including grading, utility installations and landscaping but not including

318 the area used for a driveway or for an on-site sewage disposal system; and

319 2. If the critical area, critical area buffer or critical area setback is located within

320 the shoreline jurisdiction, the request for a reasonable use exception shall be considered a

321 request for a shoreline variance under K.C.C. 21A.44.090.

322 C. For the purpose of this section:

323 1. "Linear" alteration means infrastructure that supports development that is

324 linear in nature and includes public and private roadways, public trails, private

325 driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility

326 corridors and utility facilities; and

327 2. For purposes of subsections A. and B. of this section, areas located within

328 the shoreline jurisdiction that are below the ordinary high water mark shall not be

329 included in calculating the site area.

330 D. Alteration exceptions approved under this section shall meet the mitigation

Ordinance 19128

---

331 requirements of this chapter.

332 E. An applicant for an alteration exception shall submit a critical area report, as  
333 required by K.C.C. 21A.24.110.

334 NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter  
335 21A.24 a new section to read as follows, to precede K.C.C. 21A.24.230:

336 The purpose of section 19 of this ordinance through K.C.C. 21A.24.272 is to  
337 promote public health, safety and general welfare, and to minimize public and private  
338 losses due to flooding in flood hazard areas through provisions designed to:

339 A. Protect human life and health;

340 B. Minimize the expenditure of public money for costly flood-control projects;

341 C. Minimize the need for rescue and relief efforts that are associated with  
342 flooding and generally undertaken at the expense of the general public;

343 D. Minimize prolonged business interruptions;

344 E. Minimize damage to public infrastructure, buildings and utilities such as water  
345 and gas mains; electric, telephone and sewer lines; and streets and bridges located in  
346 flood hazard areas;

347 F. Help maintain a stable tax base by providing for the sound use and  
348 development of flood hazard areas so as to minimize blight areas caused by flooding;

349 G. Notify potential buyers that the property is in a special flood hazard area;

350 H. Notify those who occupy flood hazard areas that they assume responsibility  
351 for their actions; and

352 I. Participate in and maintain eligibility for flood insurance and disaster relief.

353 NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter

---

Ordinance 19128

---

354 21A.24 a new section to read as follows, to precede K.C.C. 21A.24.230:

355           The definitions in K.C.C. chapter 21A.06 and the following definitions apply to  
356 section 18 of this ordinance through K.C.C. 21A.24.272. Where definitions in this  
357 section differ from the definitions in K.C.C. chapter 21A.06, the following definitions  
358 shall control:

359           A. Accessory building: a nonresidential building on the same site as a principal  
360 building, the use of which is subordinate and incidental to the use of the principal  
361 building;

362           B. Agricultural building: a nonresidential building used exclusively in  
363 connection with the production, harvesting, storage, raising or drying of agricultural  
364 products or aquatic animals or plants;

365           C. Area of shallow flooding: an area designated as AO or AH Zone on the Flood  
366 Insurance Rate Map with a one percent or greater annual chance of flooding to an  
367 average depth of one to three feet, where a clearly defined channel does not exist, the  
368 path of flooding is unpredictable and velocity flow may be evident. Such flooding is  
369 characterized by ponding or sheet flow;

370           D. Basement: any area of a building having its floor subgrade, which means  
371 below ground level, on all sides;

372           E. Building: a walled and roofed structure that is principally above ground,  
373 including gas or liquid storage tanks and manufactured homes;

374           F. Highest adjacent grade: the highest natural elevation of the ground surface  
375 before construction next to the proposed walls of a building;

376           G. Lowest floor: the lowest floor of the lowest enclosed area, including the

Ordinance 19128

---

377 basement. An unfinished or flood-resistant enclosure, usable solely for parking of  
378 vehicles, building access or storage in an area other than a basement, is not considered a  
379 building's lowest floor, but only if the enclosure meets the design requirements of K.C.C.  
380 21A.24.240;

381 H. Nonresidential building: any building that is not a residential building;

382 I. Recreational vehicle: a vehicle that is:

383 1. Built on a single chassis;

384 2. Four hundred square feet or less when measured at the largest horizontal  
385 projection;

386 3. Designed to be self-propelled or permanently towable by a light duty truck;

387 and

388 4. Designed primarily not for use as a permanent dwelling unit but as a  
389 temporary living quarters for recreational camping, travel or seasonal use;

390 J. Residential building: a building used for overnight human occupancy, except  
391 for a hospital;

392 K. Start of construction: includes substantial improvement, and means the date  
393 the building permit was issued, but only if the actual start of construction, repair,  
394 reconstruction, rehabilitation, addition, placement or other improvement was within one  
395 hundred eighty days of the permit issuance date. "The actual start of construction" means  
396 either the first placement of permanent construction of a building on a site, such as the  
397 pouring of slab or footings, the installation of piles, the construction of columns or any  
398 work beyond the stage of excavation or the placement of a manufactured home on a  
399 foundation. Permanent construction does not include: land preparation, such as clearing,

---

Ordinance 19128

---

400 grading and filling; the installation of streets or walkways; excavation for a basement,  
401 footings, piers or foundations or the erection of temporary forms; or the installation on  
402 the property of accessory buildings, such as garages or sheds not occupied as dwelling  
403 units or not part of the main building. For a substantial improvement, "the actual start of  
404 construction" means the first alteration of any wall, ceiling, floor or other structural part  
405 of a building, whether or not that alteration affects the external dimensions of the  
406 building;

407 L. Substantial damage: damage of any origin sustained by a building whereby  
408 the cost of restoring the building to before its damaged condition would equal or exceed  
409 fifty percent of the market value of the building before the damage occurred;

410 M. Substantial improvement:

411 1. Any maintenance, repair, structural modification, reconstruction, addition or  
412 other improvement of a building, the cost of which equals or exceeds fifty percent of the  
413 market value of the building either:

414 a. before the start of construction; or

415 b. if the building has been damaged and is being restored, before the damage  
416 occurred;

417 2. Includes buildings that have incurred substantial damage regardless of the  
418 actual repair work performed; and

419 3. Does not include:

420 a. improvement of a building to correct existing violations of state or local  
421 health, sanitary or safety code specifications that have been identified by the local code  
422 enforcement official and that are the minimum necessary to ensure safe living conditions;

Ordinance 19128

---

423 or

424           b. alteration of a building listed on the national Register of Historic Places or a  
425 state or local inventory of historic resources, but only if the alteration will not preclude  
426 the building's continued designation as a historic building;

427           N. Utility: an on-site system providing service to a building or structure.  
428 Utilities may be public or private and include, but are not limited to, sewer, gas,  
429 electrical, water systems, heating, ventilation, plumbing, air conditioning equipment and  
430 ductwork; and

431           O. Water surface elevation: the height, in relation to the North American  
432 Vertical Datum, which is also known as NAVD, of 1988, or other datum, of floods of  
433 various magnitudes and frequencies in the floodplains of coastal or riverine areas.

434           NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter  
435 21A.24 a new section to read as follows, to precede K.C.C. 21A.24.230:

436           A. The director may approve variances to floodplain development regulations not  
437 otherwise allowed by this chapter. In reviewing and evaluating these variance  
438 applications, the director shall consider all technical evaluations, all relevant factors,  
439 applicable standards specified in other sections of the King County Code and:

440           1. The danger that materials may be swept onto other lands to the injury of  
441 others;

442           2. The danger to life and property due to flooding, erosion damage or channel  
443 migration;

444           3. The susceptibility of the proposed floodplain development and the contents of  
445 any building or structure to flood damage and the effect of such damage on the individual

Ordinance 19128

---

446 owner;

447 4. The importance of the services provided by the proposed floodplain

448 development to the community;

449 5. The necessity to the floodplain development of a waterfront location, where

450 applicable;

451 6. The availability of alternative locations for the proposed use that are not

452 subject to flooding, erosion damage or channel migration;

453 7. The potential of the proposed floodplain development to create an adverse

454 effect on a federally or state-protected species or habitat;

455 8. The compatibility of the proposed floodplain development with existing and

456 anticipated development;

457 9. The relationship of the proposed use to the Comprehensive Plan, shoreline

458 master program and Flood Hazard Management Plan;

459 10. The safety of access to the property in times of flooding for ordinary and

460 emergency vehicles;

461 11. The expected heights, velocity, duration, rate of rise and sediment transport

462 of the floodwaters, and effects of wave action, if applicable, expected at the site; and

463 12. The costs of providing governmental services during and after flood

464 conditions, including emergency management services and maintenance and repair of

465 public utilities and infrastructure such as sewer, gas, electrical, water systems, streets and

466 bridges.

467 B. The director may approve variances to floodplain development regulations as

468 follows:

Ordinance 19128

---

469           1. A variance shall only be approved upon a showing by the applicant of good  
470 and sufficient cause and also upon a determination that failure to grant the variance  
471 would result in an exceptional hardship. An exceptional hardship shall not include  
472 economic or financial hardship or personal circumstances of the applicant, including  
473 inconvenience, aesthetic considerations, physical handicaps, personal preferences or  
474 disapproval of neighbors;

475           2. A variance shall only be approved based upon a determination that the  
476 granting of the variance will not result in increased flood heights;

477           3. A variance shall only be approved based upon a determination that the  
478 granting of the variance will not result in additional threats to public safety, extraordinary  
479 public expense, create nuisances, cause fraud on or victimization of the public or conflict  
480 with existing laws or ordinances;

481           4. A variance may be approved for new construction and substantial  
482 improvements to be erected on a lot of one-half acre or less in size contiguous to and  
483 surrounded by lots with existing buildings constructed below the flood protection  
484 elevation, but only if subsection A. of this section has been fully considered and all other  
485 criteria in this subsection B. have been met. As the lot size increases beyond one-half  
486 acre, the technical justification required for issuing the variance increases;

487           5. A variance shall not be approved within the FEMA floodway or the zero-rise  
488 floodway if any increase in water surface elevations would result;

489           6. A variance shall only be approved upon a determination that the variance is  
490 the minimum necessary, considering the flood, erosion or channel migration hazard, to  
491 afford relief;

Ordinance 19128

---

492 7. A variance shall not be approved that would conflict with K.C.C.

493 21A.24.260.C.;

494 8. A variance shall not be approved that allows establishment of a use that is not  
495 otherwise permitted in the zone in which the proposal is located; and

496 9. A variance to the nonresidential elevation and dry floodproofing standards in  
497 K.C.C. 21A.24.240.F. for agricultural buildings that equal or exceed a maximum assessed  
498 value of sixty-five thousand dollars must meet all criteria in this section as well as all  
499 criteria in section 21 of this ordinance. The more restrictive requirements shall apply  
500 where there is a conflict.

501 C. For a proposal where an applicant submits both a request for a variance as  
502 allowed under this section and a critical areas alteration exception request as allowed  
503 under K.C.C. 21A.24.070, the two requests shall be evaluated concurrently and the  
504 director's determination on both requests shall be issued at the same time.

505 D. An applicant for a variance shall be given a written notice that the approval of  
506 the variance to construct a building below the flood protection elevation will result in  
507 increased flood insurance premium rates up to amounts as high as twenty-five dollars per  
508 one hundred dollars of coverage and will increase risks to life and property.

509 E.1. An application for a variance to floodplain development regulations shall be  
510 submitted in writing to the department of local services, permitting division, together  
511 with any supporting documentation that demonstrates how the proposal meets the criteria  
512 in this section.

513 2. An application for a variance to floodplain development regulations under  
514 this section shall be reviewed as a Type II land use decision in accordance with K.C.C.

Ordinance 19128

---

515 20.20.020.

516 F. The department shall maintain in perpetuity a record of all requests for  
517 variances, including justification for their issuance.

518 G. The variance standards in K.C.C. 21A.44.030 and the alteration exception  
519 standards in K.C.C. 21A.24.070 shall not be used for variances or exceptions to the  
520 floodplain regulations of this chapter.

521 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter  
522 21A.24 a new section as follows, to precede K.C.C. 21A.24.230:

523 A. The director may approve variances to the nonresidential elevation and dry  
524 floodproofing standards in K.C.C. 21A.24.240.F. for agricultural buildings that do not  
525 equal or exceed a maximum assessed value of sixty-five thousand dollars and meet the  
526 following requirements:

527 1. Use of the building shall be limited exclusively to production, harvesting,  
528 storage, raising or drying of, or storage of tools and equipment used for, agricultural  
529 products or aquatic animals or plants;

530 2. The building shall not be used in a manner that would create a threat to public  
531 safety, health and welfare, such as, but not limited to, confinement operations, structures  
532 with liquefied natural gas terminals and facilities producing and storing highly volatile,  
533 toxic or water-reactive materials;

534 3. The building shall have low damage potential given the characteristics of the  
535 building's construction and the base flood;

536 4. The building shall be constructed and placed on the site so as to offer the  
537 minimum resistance to the flow of floodwaters;

Ordinance 19128

---

- 538           5. The portions of the building below the flood protection elevation shall be  
539 constructed with flood-resistant materials;
- 540           6. Building utilities shall not be installed except electrical fixtures, which must  
541 be elevated or dry floodproofed to or above the flood protection elevation;
- 542           7. The building shall be designed to automatically equalize hydrostatic flood  
543 forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for  
544 meeting this requirement must either be certified by a registered professional engineer or  
545 architect or meet or exceed the following:
- 546           a. a minimum of two openings having a net total area of no less than one  
547 square inch for every one square foot of enclosed space shall be provided. The openings  
548 shall be located on at least two opposite-side walls in the direction of flow;
- 549           b. the bottom of all openings shall not be higher than one foot above the  
550 adjacent grade;
- 551           c. openings may be equipped with screens, louvers, valves or other coverings  
552 or devices, but only if they allow the automatic entry and exit of floodwaters; and
- 553           d. if a building has more than one room or enclosed area, each area shall have  
554 openings to allow floodwaters to automatically enter and exit;
- 555           8. The building shall not have all sides of the building below grade;
- 556           9. The building shall comply with the standards in K.C.C. 21A.24.250.B. and  
557 K.C.C. 21A.24.260.B;
- 558           10. The building shall not be located in the coastal high hazard area;
- 559           11. The applicant shall demonstrate that the strict enforcement of the standards  
560 of K.C.C. 21A.24.240.F would result in exceptional hardship to the property owner; and

Ordinance 19128

---

561           12. A variance shall only be approved upon a determination that the variance is  
562 the minimum necessary, considering the flood, erosion or channel migration hazard, to  
563 afford relief.

564           B.1. An application for a variance under this section shall be submitted in writing  
565 to the department of local services, permitting division, together with any supporting  
566 documentation that demonstrates how the proposal meets the criteria in this section.

567           2. An application for a variance under this section shall be reviewed as a Type I  
568 land use decision in accordance with K.C.C. 20.20.020.

569           C. The department shall maintain in perpetuity a record of all requests for  
570 variances, including justification for their issuance.

571           D. The variance standards in Section 20 of this ordinance, K.C.C. 21A.44.030  
572 and the alteration exception standards in K.C.C. 21A.24.070 shall not be used for  
573 variances to the nonresidential elevation and dry floodproofing standards in K.C.C.  
574 21A.24.240.F. for agricultural buildings that do not equal or exceed a maximum assessed  
575 value of sixty-five thousand dollars.

576           SECTION 22. Ordinance 10870, Section 470, as amended, and K.C.C.  
577 21A.24.230 are hereby amended to read as follows:

578           A. ((A)) The regulated flood hazard area consists of one or more of the following  
579 components:

- 580           1. Floodplain;
- 581           2. Zero-rise flood fringe;
- 582           3. Zero-rise floodway;
- 583           4. FEMA floodway; and

Ordinance 19128

---

584 5. Channel migration zones.

585 B. The FEMA floodway and floodplain are identified in a scientific and  
586 engineering report entitled Flood Insurance Study for King County, Washington and  
587 Incorporated Areas, dated August 19, 2020, with accompanying Flood Insurance Rate  
588 Maps, and any revisions thereto.

589 C.1. The department may delineate or require a delineation of a flood hazard area  
590 ~~((after reviewing base flood elevations and flood hazard data for a flood having a one~~  
591 ~~percent chance of being equaled or exceeded in any given year, often referred to as the~~  
592 ~~"one hundred year flood." The department shall determine the base flood for existing~~  
593 ~~conditions. If a basin plan or hydrologic study including projected flows under future~~  
594 ~~developed conditions has been completed and is currently approved by King County, the~~  
595 ~~department may use these future flow projections. Many flood hazard areas are mapped~~  
596 ~~by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for~~  
597 ~~King County and Incorporated Areas." Proof that a land use or development activity is~~  
598 ~~occurring within the area mapped on the Flood Hazard Area Study for King County and~~  
599 ~~Incorporated Areas shall be sufficient, but not required, to prove that the area of concern~~  
600 ~~is subject to inundation by the base flood in any action to enforce code compliance under~~  
601 ~~K.C.C. Title 23. When there are multiple sources of flood hazard data for flood plain~~  
602 ~~boundaries, regulatory floodway boundaries, base flood elevations, or flood cross~~  
603 ~~sections, the department may determine which data most accurately classifies and~~  
604 ~~delineates the flood hazard area. The department may utilize the following sources of~~  
605 ~~flood hazard data for floodplain boundaries, regulatory floodway boundaries, base flood~~  
606 ~~elevations or cross sections when determining a flood hazard area)) using data or~~

---

Ordinance 19128

---

607 information from any of the following sources, but only if the data is at least as restrictive  
 608 as the data in the Flood Insurance Study and Flood Insurance Rate Maps referenced in  
 609 subsection B. of this section. The department may also use data from the following  
 610 sources to determine base flood elevations, floodway boundaries or other regulatory flood  
 611 information:

612           ~~((1.))~~ a. Flood Insurance ~~((Rate Maps))~~ Study;

613           ~~((2.))~~ b. Flood Insurance ~~((Studies))~~ Rate Maps;

614           ~~((3.))~~ c. Preliminary Flood Insurance ~~((Rate Maps))~~ Study or pending Flood  
 615 Insurance Study;

616           ~~((4.))~~ d. Preliminary Flood Insurance ~~((Studies))~~ Rate Maps or pending Flood  
 617 Insurance Rate Maps;

618           ~~((5.))~~ e. ~~((D))~~ draft flood boundary work maps and associated technical reports;

619           ~~((6.))~~ f. ~~((C))~~ critical area reports prepared in accordance with FEMA standards  
 620 contained in 44 C.F.R. Part 65 and consistent with the King County Surface Water  
 621 Design Manual provisions for floodplain analysis;

622           ~~((7.))~~ g. ~~((E))~~ letters of map ~~((amendments))~~ change;

623           ~~((8. Letter of map revisions;~~

624           ~~9.))~~ h. ~~((C))~~ channel migration zone maps and studies;

625           ~~((10.))~~ i. ~~((H))~~ historical flood hazard information;

626           ~~((11. Wind and wave data provided by the United States Army Corps of~~  
 627 Engineers)) j. basin plan or hydrologic study that includes projected flows under future

628 developed conditions that have been completed and approved by King County; and

629           ~~((12.))~~ k. ~~((A))~~ any other available data that accurately classifies and delineates

Ordinance 19128

---

630 the flood hazard area or base flood elevation.

631 ~~((C:))~~ 2. When there are multiple sources of flood hazard data for flood hazard  
632 area boundaries, FEMA floodway or zero-rise floodway boundaries, base flood  
633 elevations or cross-sections, the department may determine which data most accurately  
634 classifies and delineates the flood hazard area, as long as the data is at least as restrictive  
635 as the Flood Insurance Study and Flood Insurance Rate Maps referenced in subsection B.  
636 of this section.

637 D. Proof that a land use or development activity is occurring within the area  
638 mapped on the Flood Insurance Rate Maps shall be sufficient, but not required, to prove  
639 that the area of concern is subject to inundation by the base flood in an action to enforce  
640 code compliance under K.C.C. Title 23.

641 E. A number of channel migration zones are mapped by the county for portions  
642 of river systems. These channel migration zones and the criteria and process used to  
643 designate and classify channel migration zones are specified by public rule adopted by  
644 the department. An applicant for a development proposal may submit a critical area  
645 report to the department to determine channel migration zone boundaries or classify  
646 channel migration hazard areas on a specific property if there is an apparent discrepancy  
647 between the site-specific conditions or data and the adopted channel migration zone  
648 maps.

649 SECTION 23. Ordinance 10870, Section 471, as amended, and K.C.C.  
650 21A.24.240 are hereby amended to read as follows:

651 The following development standards apply to floodplain development  
652 ~~((proposals))~~ and alterations on sites within the zero-rise flood fringe:

Ordinance 19128

---

653 A. Floodplain ~~((D))~~development ~~((proposals))~~ and alterations shall not reduce the  
654 effective base flood storage volume of the floodplain. ~~((A))~~ Floodplain development  
655 ~~((proposal))~~ shall provide compensatory storage if grading or other activity displaces any  
656 effective flood storage volume. Compensatory storage is not required for grading or fill  
657 placed within the foundation of an existing residential ~~((structure))~~ building to bring the  
658 interior foundation grade to the same level as the lowest adjacent exterior grade.

659 Compensatory storage shall:

660 1. Provide equivalent volume at equivalent elevations to that which is being  
661 displaced. For this purpose, equivalent elevations means having similar relationship to  
662 ordinary high water and to the best available ten-year, fifty-year and one-hundred-year  
663 water surface profiles. If the difference between the fifty-year and the one-hundred-year  
664 surface profiles is less than one foot, equivalent elevations means having similar  
665 relationships to ordinary high water and to the best available ten-year and one-hundred-  
666 year water surface profiles;

667 2. Hydraulically connect to the source of flooding;

668 3. Provide compensatory storage in the same construction season as when the  
669 displacement of flood storage volume occurs and before the flood season begins on  
670 September 30 for that year;

671 4. Occur on the site. The director may approve equivalent compensatory  
672 storage off the site if legal arrangements, acceptable to the department, are made to  
673 ensure that the effective compensatory storage volume will be preserved over time; and

674 5. The director may approve of off~~((-))~~-site compensatory storage through a  
675 compensatory storage bank managed by the department of natural resources and parks

Ordinance 19128

---

676 ~~((or the director, in consultation with and agreement from the department of natural~~  
677 ~~resources and parks, may allow a reduction in flood storage if a cumulative effects~~  
678 ~~analysis demonstrates that the loss of storage will not create a measurable increase in the~~  
679 ~~base flood elevation anywhere off the site));~~

680 B. A structural engineer shall design and certify all elevated buildings and submit  
681 the design to the department;

682 C. A civil engineer shall prepare a base flood depth and base flood velocity  
683 analysis and submit the analysis to the department. A base flood depth and base flood  
684 velocity analysis is not required for agricultural ~~((structures that will not be used for~~  
685 ~~human habitation. The director may waive the requirement for a base flood depth and~~  
686 ~~base flood velocity analysis for agricultural structures that are not used for human~~  
687 ~~habitation)) buildings. Floodplain ~~((D))~~development ~~((proposals))~~ and alterations are not  
688 allowed if the base flood depth exceeds three feet and the base flood velocity exceeds  
689 three feet per second, ~~except ((that the director may approve development proposals and~~  
690 ~~alterations in areas where the base flood depth exceeds three feet and the base flood~~  
691 ~~velocity exceeds three feet per second))~~ for the following projects~~((:))~~:~~

- 692 1. Agricultural ~~((accessory))~~ structures and farm pads;
  - 693 2. Roads and bridges;
  - 694 3. Utilities;
  - 695 4. Surface water flow control or surface water conveyance systems;
  - 696 5. Public park structures; and
  - 697 6. Flood hazard mitigation projects, such as, but not limited to construction,  
698 repair or replacement of flood protection facilities or for building elevations or
-

Ordinance 19128

---

699 relocations;

700 D. Subdivisions, short subdivisions, urban planned developments and binding  
701 site plans should be consistent with the need to minimize flood damage within the flood  
702 hazard area and shall meet the following requirements:

703 1. New building lots shall include five thousand square feet or more of buildable  
704 land outside the zero-rise floodway;

705 2. All public infrastructure and utilities (~~and facilities~~) such as sewer, gas,  
706 electrical and water systems are consistent with subsection(~~(s E, F, and I.)~~) J. of this  
707 section;

708 3. A civil engineer shall prepare detailed base flood elevations in accordance  
709 with FEMA guidelines for all new lots;

710 4. A development proposal shall provide adequate drainage in accordance with  
711 the King County Surface Water Design Manual to reduce exposure to flood damage; and

712 5. The face of the recorded subdivision, short subdivision, urban planned  
713 development or binding site plan shall include the following for all lots:

714 a. (~~building~~) setback areas restricting structures to designated buildable  
715 areas(~~(:)~~);

716 b. base flood data and sources and flood hazard notes including, but not limited  
717 to, base flood elevation, required flood protection elevations, the boundaries of the  
718 floodplain and the zero-rise floodway, if determined, and channel migration zone  
719 boundaries, if determined; and

720 c. include the following notice:

721 "Lots and (~~structures~~) buildings located within flood hazard areas may be

Ordinance 19128

---

722 inaccessible by emergency vehicles during flood events. Residents and property owners  
723 should take appropriate advance precautions.";

724 E. New, substantially improved or converted residential (~~(structures, substantial~~  
725 ~~improvements of existing residential structures))~~ buildings and flood mitigation home  
726 elevations shall meet the following standards:

727 1. Elevate the lowest floor, including basement, to or above the flood protection  
728 elevation;

729 2. (~~Do not fully enclose portions of the structure that are below the lowest floor~~  
730 ~~area;~~

731 3. ~~Design and construct the areas and rooms below the lowest floor to~~  
732 ~~automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by~~  
733 ~~allowing for the entry and exit of floodwaters as follows:~~

734 a. ~~provide a minimum of two openings on each of two opposite side walls in~~  
735 ~~the direction of flow, with each of those walls having a total open area of not less than~~  
736 ~~one square inch for every square foot of enclosed area subject to flooding;~~

737 b. ~~design and construct the bottom of all openings so they are no higher than~~  
738 ~~one foot above grade; and~~

739 c. ~~screens, louvers or other coverings or devices are allowed over the opening~~  
740 ~~if they allow the unrestricted entry and exit of floodwaters;))~~ Fully enclosed areas below

741 the lowest floor and below the flood protection elevation, including crawlspaces or  
742 attached garages, shall be designed to automatically equalize hydrostatic flood forces on  
743 exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this  
744 requirement must either be certified by a registered professional engineer or architect or

---

Ordinance 19128

---

745 meet or exceed the following:

746 a. a minimum of two openings having a net total area of no less than one  
747 square inch for every one square foot of enclosed space shall be provided. The openings  
748 shall be located on at least two opposite-side walls in the direction of flow;

749 b. the bottom of all openings shall not be higher than one foot above the  
750 adjacent grade;

751 c. openings may be equipped with screens, louvers, valves or other coverings  
752 or devices, but only if they allow the automatic entry and exit of floodwaters; and

753 d. if a building has more than one enclosed area, each area must have openings  
754 to allow floodwaters to automatically enter and exit;

755 3. Fully enclosed areas below the lowest floor meeting the criteria in subsection  
756 E.2. of this section shall not have all sides of the building below grade;

757 4. Fully enclosed areas below the lowest floor shall be used solely for the  
758 parking of vehicles, building access or limited storage of readily removable items;

759 5. Use materials and methods that are resistant to and minimize flood damage;  
760 and

761 ~~((5-))~~ 6. Elevate ((above)) or dry((-proof)) floodproof all ((electrical, heating,  
762 ~~ventilation, plumbing, air conditioning equipment and other utilities that service the~~  
763 ~~structure, such as duct work)) building utilities. to or above the flood protection~~  
764 elevation;

765 F. New, substantially improved, or converted nonresidential ((structures,  
766 ~~substantial improvements)) buildings and flood mitigation ((nonresidential)) elevations of~~  
767 existing nonresidential ((structures)) buildings shall meet the following standards:

Ordinance 19128

---

768 1. ~~((a. Except as provided in subsection F.1.b. of this section, e))~~Elevate the  
769 lowest floor to or above the flood protection elevation(~~(;~~

770 ~~b. Nonresidential agricultural accessory buildings elevate the lowest floor to~~  
771 ~~one foot above the base flood elevation;~~

772 ~~2.))~~, except as otherwise provided in subsection G. of this section, or ((~~⊘~~))dry  
773 ~~((flood proof))~~ floodproof the ~~((structure))~~ building and building utilities to or above the  
774 flood protection elevation. ~~((to meet the following standards:~~

775 ~~a. t))~~The applicant shall provide certification by a civil or structural engineer  
776 that the dry ~~((flood proofing))~~ floodproofing methods are adequate to withstand the flood  
777 depths, pressures, velocities, impacts, uplift forces and other factors associated with the  
778 base flood. After construction, the engineer shall certify that the permitted work  
779 conforms to the approved plans and specifications; ~~((and~~

780 ~~b. approved building permits for dry flood proofed nonresidential structures~~  
781 ~~shall contain a statement notifying applicants that flood insurance premiums are based~~  
782 ~~upon rates for structures that are one foot below the elevation to which the building is~~  
783 ~~dry floodproofed;~~

784 3. ~~Nonresidential agricultural accessory buildings that do not equal or exceed a~~  
785 ~~maximum assessed value of sixty five thousand dollars may be designed and oriented to~~  
786 ~~allow the free passage of floodwaters through the building in a manner affording~~  
787 ~~minimum flood damage provided they meet the standards in subsection F.4. through F.6.~~  
788 ~~of this section. Nonresidential agricultural accessory buildings that equal or exceed~~  
789 ~~sixty five thousand dollars may apply for an alteration exception pursuant to K.C.C.~~  
790 ~~21A.24.070. Nonresidential agricultural accessory buildings that do not meet the~~

---

Ordinance 19128

---

791 ~~elevation standard in subsection F.1. of this section or the dry flood proofing standard in~~  
792 ~~subsection F.2. of this section will be assessed at the flood insurance rate based on the~~  
793 ~~risk to which the building is exposed;~~

794 4.) 2. Use materials and methods that are resistant to and minimize flood  
795 damage;

796 3. For nonresidential buildings that have not been dry floodproofed, design fully  
797 enclosed areas below the lowest floor and below the flood protection elevation, including  
798 crawlspaces or attached garages, to automatically equalize hydrostatic flood forces on  
799 exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this  
800 requirement must either be certified by a registered professional engineer or architect or  
801 meet or exceed the following:

802 a. a minimum of two openings having a net total area of no less than one  
803 square inch for every one square foot of enclosed space shall be provided. The openings  
804 shall be located on at least two opposite-side walls in the direction of flow;

805 b. the bottom of all openings shall not be higher than one foot above adjacent  
806 grade;

807 c. openings may be equipped with screens, louvers, valves or other coverings  
808 or devices, but only if they allow the automatic entry and exit of floodwaters; and

809 d. if a building has more than one enclosed area, each area shall have openings  
810 to allow floodwaters to automatically enter and exit;

811 4. Not have all sides of the building below grade for fully enclosed areas below  
812 the lowest floor meeting the criteria in subsection F.3. of this section;

813 ~~5. ((Design and construct the areas and rooms below the lowest floor to~~

Ordinance 19128

---

814 ~~automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by~~  
815 ~~allowing for the entry and exit of floodwaters as follows:~~

816 ~~a. provide a minimum of two openings on each of two opposite side walls in~~  
817 ~~the direction of flow, with each of those walls having a total open area of not less than~~  
818 ~~one square inch for every square foot of enclosed area subject to flooding;~~

819 ~~b. design the bottom of all openings is no higher than one foot above grade;~~  
820 ~~and~~

821 ~~c. screens, louvers or other coverings or devices are allowed if they do not~~  
822 ~~restrict entry and exit of floodwaters)) Fully enclosed areas below the lowest floor shall~~  
823 ~~be used solely for the parking of vehicles, building access or limited storage of readily~~  
824 ~~removable items; and~~

825 ~~6. Elevate or ((D))dry ((flood proof)) floodproof all ((electrical, heating,~~  
826 ~~ventilation, plumbing, air conditioning equipment and other utility and service facilities))~~  
827 ~~building utilities to((;)) or ((elevated)) above((;)) the flood protection elevation;~~

828 ~~G. New, substantially improved or converted accessory buildings may have the~~  
829 ~~lowest floor below the flood protection elevation, but only if the building complies with~~  
830 ~~the following:~~

831 ~~1. The building shall not be used for human habitation;~~

832 ~~2. The use of the building shall be limited to parking of vehicles or limited~~  
833 ~~storage of readily removable items;~~

834 ~~3. The floor area shall not exceed four hundred square feet;~~

835 ~~4. The building should be constructed with materials and practices to minimize~~  
836 ~~flood damage;~~

Ordinance 19128

---

837           5. The building shall be built of and have flood-resistant materials for portions  
838 below the flood protection elevation;

839           6. The building shall be designed to automatically equalize hydrostatic flood  
840 forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for  
841 meeting this requirement must either be certified by a registered professional engineer or  
842 architect or must meet or exceed the following:

843           a. a minimum of two openings having a net total area of no less than one  
844 square inch for every one square foot of enclosed space shall be provided. The openings  
845 shall be located on at least two opposite-side walls in the direction of flow;

846           b. the bottom of all openings shall not be higher than one foot above adjacent  
847 grade; and

848           c. openings may be equipped with screens, louvers, valves or other coverings  
849 or devices, but only if they allow the automatic entry and exit of floodwaters;

850           7. Building utilities shall not be installed except electrical fixtures, which must  
851 be elevated or dry floodproofed to or above the flood protection elevation; and

852           8. The building shall be constructed and placed on the site so as to offer the  
853 minimum resistance to the flow of floodwaters;

854           H. Anchor all new ((~~construction and~~)) or substantially improved ((~~structures~~))  
855 buildings to prevent flotation, collapse or lateral movement of the ((~~structure~~)) building.  
856 The department shall approve the method used to anchor the ((~~new construction~~))  
857 building;

858           ((H.)) I.1. Newly sited manufactured homes and substantial improvements of  
859 existing manufactured homes shall meet the ((~~following standards~~);

Ordinance 19128

---

860           1. ~~Manufactured homes shall meet all the~~) standards in subsections E. and H. of  
 861 this section ~~((for residential structures and the following standards:~~

862           a. ~~anchor all manufactured homes;~~) and

863           ~~((b.))~~ shall be installed ~~((manufactured homes))~~ using methods and practices  
 864 that minimize flood damage;

865           2. All manufactured homes within a new mobile home park or expansion of an  
 866 existing mobile home park must meet the requirements ~~((for flood hazard protection for~~  
 867 ~~residential structures; and))~~ of this subsection I.;

868           3. ~~((Only manufactured homes are allowed i))~~In a new or existing mobile home  
 869 park located in a flood hazard area, no buildings other than mobile homes are allowed;

870           ~~((I. Public and private utilities shall meet the following standards:))~~

871           J.1. ((Dry flood proof n))New and replacement public infrastructure and utilities  
 872 including, but not limited to, sewage treatment and storage facilities, shall be elevated or  
 873 dry floodproofed to~~((, or elevate above,))~~ or above the flood protection elevation;

874           2. ~~((Locate n))~~New on-site sewage disposal systems should be located outside  
 875 of the floodplain. When there is insufficient area outside the floodplain, new on-site  
 876 sewage disposal systems are allowed only in the zero-rise flood fringe. ((Locate o))On-  
 877 site sewage disposal systems in the zero-rise flood fringe shall be designed and located to  
 878 avoid:

879           a. impairment to the system during flooding; and

880           b. contamination from the system during flooding;

881           3. Design all new and replacement water supply systems to minimize or  
 882 eliminate infiltration of floodwaters into the system;

Ordinance 19128

---

883 4. Above-ground utility transmission lines(~~(, except for electric transmission~~  
884 ~~lines,))~~ are allowed only for the transport of nonhazardous substances(~~(; and))~~ or  
885 electricity;

886 5. (~~Bury u~~)Underground utility transmission lines transporting hazardous  
887 substances shall be buried at a minimum depth of four feet below the maximum depth of  
888 scour for the base flood, as predicted by a civil engineer, and achieve sufficient negative  
889 buoyancy so that any potential for flotation or upward migration is eliminated; and

890 6. New water wells shall be located where not subject to ponding and not in the  
891 FEMA floodway. The well shall be protected to the flood protection elevation and shall  
892 be protected from any surface or subsurface drainage capable of impairing the quality of  
893 the groundwater supply, in accordance with WAC 173-160-171;

894 (~~J~~) K. Critical facilities are allowed within the zero-rise flood fringe only when  
895 a feasible alternative site is not available and the following standards are met, in addition  
896 to the other applicable standards in this section:

897 1. Elevate the lowest floor to the five-hundred year floodplain elevation or three  
898 or more feet above the base flood elevation, whichever is higher;

899 2. Dry (~~flood proof~~) floodproof and seal (~~structures~~) buildings to ensure that  
900 hazardous substances are not displaced by or released into floodwaters; and

901 3. Elevate access routes to or above the base flood elevation from the critical  
902 facility to the nearest maintained public street or roadway;

903 (~~K~~) L. New construction or expansion of existing farm pads is allowed only on  
904 a site with existing agriculture, if emergency flood relief is required for the protection of  
905 livestock or assets or for operations that must continue during flood events as follows:

Ordinance 19128

---

- 906           1. A farm pad is allowed only if there is no other suitable holding area on the  
907 site outside the floodplain;
- 908           2. Construct the farm pad to the standards in an approved farm management  
909 plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30((-));
- 910           3. The farm pad proposal shall demonstrate compliance with the following:
- 911           a. flood storage compensation consistent with subsection A. of this section;
- 912           b. siting and sizing that do not increase base flood elevations consistent with  
913 K.C.C. 21A.24.250.B. or, if any portion of the farm pad is located in the FEMA  
914 floodway, siting and sizing that do not increase base flood elevations consistent with  
915 K.C.C. 21A.24.260.B.;
- 916           c. siting that is located in the area least subject to risk from floodwaters; and
- 917           d. an alternatives analysis demonstrating adverse impacts to wetlands, wetland  
918 buffers and aquatic area buffers have been minimized;
- 919           4. The farm pad is constructed to base flood elevation plus one((-))\_foot. An  
920 elevation report shall be completed after construction to demonstrate compliance with  
921 ~~((that))~~ this elevation requirement;
- 922           5.a. The farm pad should be sized as is necessary for the protection of livestock  
923 and assets and operations that must continue during flood events;
- 924           b. for farm pads larger than two thousand square feet of finished usable  
925 surface, a site specific evaluation of agricultural operations must demonstrate the need for  
926 the size of the pad; and
- 927           c. for farm pads larger than ten thousand square feet, an area-wide analysis  
928 must demonstrate that sufficient flood storage is available for reasonably foreseeable

Ordinance 19128

---

929 future land use needs in the vicinity;

930           6. If there are multiple areas on a site that meet all of the applicable criteria, the  
931 farm pad should be located as far as practical from the interior property lines;

932           7. ~~((Nonresidential-a))~~ Agricultural buildings are allowed on a farm pad as  
933 shelter for livestock or other farm animals, greenhouses for plant starts to be used on the  
934 property, milking parlors, storage of farm vehicles and agricultural equipment and shelter  
935 for farm products including, but not limited to, feed, seeds, flower bulbs and hay and  
936 farm operations that must continue during a flood event. ~~((Nonresidential structures))~~  
937 Agricultural buildings allowed on a farm pad shall not be used for retail operations or any  
938 residential or public use; and

939           ~~((7.))~~ 8. The property owner shall file with the department of executive services,  
940 records and licensing services division, a notice approved by the department that restricts  
941 the use of the farm pad to nonresidential agricultural uses. The notice shall run with the  
942 land. The applicant shall submit to the department proof that the notice was filed before  
943 the department approves any permit for the construction of the farm pad;

944           ~~((L.))~~ M. New ~~((construction))~~ or ~~((expansion of existing))~~ expanded livestock  
945 manure storage facilities ~~((is))~~ are only allowed as follows:

946           1. ~~((The livestock manure storage facility is only allowed if t))~~ There is not a  
947 feasible alternative area on the site outside the floodplain;

948           2. ~~((Construct t))~~ The livestock manure storage facility is constructed to the  
949 standards in an approved farm management plan prepared in accordance with K.C.C.  
950 21A.24.051 and K.C.C. chapter 21A.30. The farm management plan shall demonstrate  
951 compliance with the following:

Ordinance 19128

---

952 a. flood storage compensation consistent with subsection A. of this section;

953 b. siting and sizing that do not increase base flood elevations consistent with

954 K.C.C. 21A.24.250.B. or, if the liquid manure storage facility is located in the FEMA

955 floodway, siting and sizing that do not increase base flood elevations consistent with

956 ~~((and))~~ 21A.24.260.((D))B.;

957 c. dry ~~((flood proofing))~~ floodproofing the liquid manure storage facility to

958 one foot above the base flood elevation; and

959 d. siting that is located in the area least subject to risk from floodwaters; ~~((and~~

960 ~~M.))~~ N. Recreational vehicles must be on site for fewer than one hundred eighty

961 consecutive days or be fully licensed and ready for highway use, which means on their

962 wheels or jacking system, attached to the site only by quick-disconnect-type utilities and

963 security devices and have no permanently attached additions; and

964 O. Any alteration or relocation of a watercourse shall comply with the following

965 standards, in addition to the other applicable standards in this title:

966 1. The department shall notify adjacent communities and the Washington state

967 Department of Ecology before any alteration or relocation of a watercourse proposed by

968 the applicant and shall submit evidence of the notification to the Federal Emergency

969 Management Agency within six months; and

970 2. The applicant shall ensure that the flood-carrying capacity is maintained.

971 SECTION 24. Ordinance 10870, Section 472, as amended, and K.C.C.

972 21A.24.250 are hereby amended to read as follows:

973 The following development standards apply to floodplain development

974 ~~((proposals))~~ and alterations on sites within the zero-rise floodway:

Ordinance 19128

---

975 A. The development standards that apply to the zero-rise flood fringe also apply  
976 to the zero-rise floodway. The more restrictive requirements shall apply where there is a  
977 conflict;

978 B. ~~((A))~~ Floodplain development ~~((proposal))~~ shall not increase the base flood  
979 elevation ~~((except as follows:))~~. The applicant shall perform an analysis to demonstrate  
980 that there will be no increase in the base flood elevation in accordance with Section 4.4.2  
981 of the King County Surface Water Design Manual. The director may make an exception  
982 if

983 ~~((1. Revisions to the Flood Insurance Rate Map are approved by FEMA, in~~  
984 ~~accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and~~

985 ~~2. A))~~ appropriate legal documents are prepared and recorded in which all  
986 property owners affected by the increased flood elevations consent to the impacts on their  
987 property;

988 C. If post and piling foundation construction techniques are used to elevate a  
989 building and the area underneath is not enclosed, blocked or otherwise obstructed, the  
990 following are presumed to produce no increase in the base flood elevation and a critical  
991 areas report is not required to establish this fact:

992 1. New residential ~~((structures))~~ buildings outside the FEMA floodway on lots  
993 in existence before November 27, 1990, that contain less than five thousand square feet  
994 of buildable land outside the zero-rise floodway if the total building footprint of all  
995 existing and proposed ~~((structures))~~ buildings on the lot does not exceed two-thousand  
996 square feet;

997 2. Substantial improvements of existing residential ~~((structures))~~ buildings in

Ordinance 19128

---

998 the zero-rise floodway, but outside the FEMA floodway, if the footprint is not increased;

999 or

1000 3. Substantial improvements of existing residential ~~((structures))~~ buildings that  
1001 meet the standards for new residential ~~((structures))~~ buildings and building utilities in  
1002 K.C.C. 21A.24.240.E;

1003 D. When post or piling foundation construction techniques are not used, a critical  
1004 areas report is required in accordance with K.C.C. 21A.24.110 demonstrating that the  
1005 proposal will not increase the base flood elevation;

1006 E. During the flood season from September 30 to May 1 the following are not  
1007 allowed ~~((to be located))~~ in the zero-rise floodway;

1008 1. ~~((All+))~~ Temporary seasonal shelters, such as tents, awnings and greenhouses,  
1009 except for those used for agricultural activities and domestic household use; and

1010 2. Staging or stockpiling of equipment, materials or substances that the director  
1011 determines may be hazardous to the public health, safety or welfare except for those used  
1012 for agricultural activities and domestic household use;

1013 F. New, substantially improved or converted residential ~~((structures))~~ buildings  
1014 and ~~((substantial improvements to existing residential structures, or any structure))~~  
1015 accessory buildings to a residential use shall ~~((meet the following standards))~~ be located:

1016 1. ~~((Locate the structures o))~~ Outside the FEMA floodway;

1017 2. ~~((Locate the structures o))~~ Only on lots in existence before November 27,  
1018 1990, that contain less than five thousand square feet of buildable land outside the zero-  
1019 rise floodway; and

1020 3. To the maximum extent practical, ~~((locate the structures))~~ the farthest

---

Ordinance 19128

---

1021 distance from the channel, unless the applicant can demonstrate that an alternative  
1022 location is less subject to risk;

1023 G. ~~((Public and private))~~ New and replacement infrastructure or utilities are only  
1024 allowed if:

1025 1. The department determines that a feasible alternative site is not available; and

1026 2. A waiver is granted by the Seattle-King County department of public health  
1027 for new on-site sewage disposal facilities;

1028 ~~((3. The utilities are dry flood proofed to or elevated above the flood protection  
1029 elevation;~~

1030 ~~4. Above ground utility transmission lines, except for electrical transmission  
1031 lines, are only allowed for the transport of nonhazardous substances; and~~

1032 ~~5. Underground utility transmission lines transporting hazardous substances are  
1033 buried at a minimum depth of four feet below the maximum dept of scour for the base  
1034 flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that  
1035 any potential for flotation or upward migration is eliminated;))~~

1036 H. Critical facilities, except for those listed in subsection I. of this section are not  
1037 allowed within the zero-rise floodway; and

1038 I. Structures ~~((and installations))~~ that are dependent upon the zero-rise floodway  
1039 are allowed in the zero-rise floodway if the development proposal is approved by all  
1040 agencies with jurisdiction and meets the development standards for the zero-rise  
1041 floodway. These structures ~~((and installations))~~ may include, but are not limited to:

1042 1. Dams or diversions for water supply, flood control, hydroelectric production,  
1043 irrigation or fisheries enhancement;

Ordinance 19128

---

1044           2. Flood damage reduction facilities, such as levees, revetments and pumping  
1045 stations;

1046           3. Stream bank stabilization structures only if a feasible alternative does not  
1047 exist for protecting structures, public roadways, flood protection facilities or sole access  
1048 routes. Bank stabilization projects must be consistent with the Integrated Streambank  
1049 Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and  
1050 use bioengineering techniques to the maximum extent practical. An applicant may use  
1051 alternative methods to the guidelines if the applicant demonstrates that the alternative  
1052 methods provide equivalent or better structural stabilization, ecological and hydrological  
1053 functions and salmonid habitat;

1054           4. Surface water conveyance facilities;

1055           5. Boat launches and related recreation structures;

1056           6. Bridge piers and abutments; and

1057           7. Approved aquatic area or wetland restoration projects including, but not  
1058 limited to, fisheries enhancement projects.

1059           SECTION 25. Ordinance 10870, Section 473, as amended, and K.C.C.

1060 21A.24.260 are hereby amended to read as follows:

1061           The following development standards apply to floodplain development and  
1062 alterations on sites within the FEMA floodway:

1063           A. The development standards that apply to the zero-rise floodway also apply to  
1064 the FEMA floodway. The more restrictive standards apply where there is a conflict((-));

1065           B. ((A)) Floodplain development ((proposal)) shall not increase the base flood  
1066 elevation. A civil engineer shall certify, through hydrologic and hydraulic analyses

Ordinance 19128

---

1067 performed in accordance with standard engineering practice, that any proposed  
 1068 ~~((encroachment))~~ floodplain development would not result in any increase in flood levels  
 1069 during the occurrence of the base flood discharge~~((:))~~;

1070 C. New, substantially improved or converted residential buildings are prohibited  
 1071 in the FEMA floodway, except those buildings meeting the provisions of subsections F.  
 1072 or G. of this section. A residential building cannot be constructed on fill placed within  
 1073 the FEMA floodway;

1074 D. New ~~((residential or))~~ nonresidential ~~((structures))~~ buildings are prohibited  
 1075 within the ~~((mapped))~~ FEMA floodway, except for ~~((farm pads and nonresidential))~~  
 1076 agricultural ~~((accessory))~~ buildings within an agricultural production district that meet  
 1077 applicable compensatory storage and conveyance standards~~((A residential structure~~  
 1078 ~~cannot be constructed on fill placed within the mapped FEMA floodway.~~

1079 ~~D.))~~;

1080 E. New livestock manure storage facilities for liquid and slurry manure are  
 1081 prohibited in the FEMA floodway. Existing livestock manure storage facilities may be  
 1082 repaired or enlarged as necessary to comply with the standards in the farm's nutrient  
 1083 management plan;

1084 ~~((E. If the footprint of the existing residential structure is not increased,~~  
 1085 ~~substantial improvements of existing residential structures in the FEMA floodway,~~  
 1086 ~~meeting the requirements of WAC 173-158-070, as amended, are presumed to not~~  
 1087 ~~increase the base flood elevation and do not require a critical areas report to establish this~~  
 1088 ~~fact.))~~

1089 F. Maintenance, repair, replacement or improvement of an existing residential

---

Ordinance 19128

---

1090 ((~~structure~~)) building located within the agricultural production district on property that is  
1091 zoned agriculture (A) is allowed in the FEMA floodway if the ((~~structure~~)) building  
1092 meets the standards for residential ((~~structures~~)) buildings and building utilities in K.C.C.  
1093 21A.24.240 and also meets the following requirements:

1094 1. The existing residential ((~~structure~~)) building was legally established;  
1095 2. The viability of the farm is dependent upon a residential ((~~structure~~)) building  
1096 within close proximity to ((~~other~~)) agricultural structures; and

1097 3. Replacing an existing residential ((~~structure~~)) building within the FEMA  
1098 floodway is only allowed if:

1099 a. there is not sufficient buildable area on the site outside the FEMA floodway  
1100 for the replacement;

1101 b. the replacement residential ((~~structure~~)) building is not located in an area  
1102 that increases the flood hazard in water depth, velocity or erosion;

1103 c. the building footprint of the existing residential ((~~structure~~)) building is not  
1104 increased; and

1105 d. the existing ((~~structure~~)) building, including the foundation, is completely  
1106 removed within ninety days of receiving a certificate of occupancy, or temporary  
1107 certificate of occupancy, whichever occurs first, for the replacement ((~~structure-~~))  
1108 building;

1109 G. Maintenance, repair or replacement of a substantially damaged existing  
1110 residential ((~~structure~~)) building, other than a residential ((~~structure~~)) building located  
1111 within the agricultural production district on property that is zoned agricultural (A), is  
1112 allowed in the FEMA floodway if the ((~~structure~~)) building meets the standards for

---

Ordinance 19128

---

1113 existing residential ((structures)) buildings and building utilities in K.C.C. 21A.24.240

1114 and also meets the following requirements:

1115 1. The Washington state Department of Ecology has assessed the flood

1116 characteristics of the site and determined:

1117 a. base flood depths will not exceed three feet;

1118 b. base flood velocities will not exceed three feet per second;

1119 c. there is no evidence of flood-related erosion, as determined by location of

1120 the project site in relationship to mapped channel migration zones or, if the site is not

1121 mapped, evidence of overflow channels and bank erosion; and

1122 d. a flood warning system or emergency plan is in operation;

1123 2. The Washington state Department of Ecology has prepared a report of

1124 findings and recommendations to the department that determines the repair or

1125 replacement will not result in an increased risk of harm to life based on the characteristics

1126 of the site;

1127 3. The department has reviewed the Washington state Department of Ecology

1128 report and concurs that the development proposal is consistent with the findings and

1129 recommendations in the report;

1130 4. The development proposal is consistent with the findings and

1131 recommendations of the Washington state Department of Ecology report;

1132 5. The existing residential ((structure)) building was legally established; and

1133 6. Replacing an existing residential ((structure)) building within the FEMA

1134 floodway is only allowed if:

1135 a. there is not sufficient buildable area on the site outside the FEMA floodway;

Ordinance 19128

---

1136           b. the replacement ~~((structure))~~ building is a residential ~~((structure))~~ building  
1137 built as a substitute for a previously existing residential ~~((structure))~~ building of  
1138 equivalent use and size; and

1139           c. the existing residential ~~((structure))~~ building, including the foundation, is  
1140 removed within ninety days of receiving a certificate of occupancy, or temporary  
1141 certificate of occupancy, whichever occurs first, for the replacement ~~((structure.))~~  
1142 building;

1143           H. Maintenance or repair of a ~~((structure, as defined in WAC 173-158-030,))~~  
1144 building that is identified as a historic resource, as defined in K.C.C. 21A.06.597, is  
1145 allowed in the FEMA floodway if the ~~((structure))~~ building and building utilities meet the  
1146 standards of K.C.C. 21A.24.240 for residential ~~((structures))~~ or nonresidential  
1147 ~~((structures))~~ buildings, as appropriate; and

1148           I. Water wells shall be located outside of the FEMA floodway.

1149           SECTION 26. Ordinance 10870, Section 474, as amended, and K.C.C.  
1150 21A.24.270 are hereby amended to read as follows:

1151           A. For all new ~~((structures or))~~ buildings, substantial improvements or additions  
1152 affixed to the side of a building in a flood hazard area, the applicant shall provide a  
1153 FEMA elevation certificate completed by a land surveyor licensed by the state of  
1154 Washington documenting the as-built elevations of:

1155           1. The ~~((actual as built elevation of the lowest))~~ top of the bottom floor,  
1156 including basement, crawlspace or enclosure floor;

1157           2. The ~~((actual as built elevation to which the structure is dry flood-proofed, if~~  
1158 applicable and

Ordinance 19128

---

- 1159           ~~3. If the structure has a basement))~~ top of the next-higher floor;  
1160           3. In coastal high hazard areas, the bottom of the lowest horizontal structure  
1161 member;  
1162           4. The top of the slab of an attached garage;  
1163           5. The lowest elevation of machinery or equipment servicing the building;  
1164           6. The lowest adjacent finished grade next to the building;  
1165           7. The highest adjacent finished grade next to the building; and  
1166           8. The lowest adjacent grade at the lowest elevation of a deck or stairs,  
1167 including structural support.

1168           B. The applicant shall submit a complete FEMA elevation certificate on the most  
1169 current version of the form before the issuance of a certificate of occupancy or temporary  
1170 certificate of occupancy, whichever occurs first. For unoccupied (~~(structures))~~ buildings,  
1171 the applicant shall submit the FEMA elevation certificate before the issuance of the final  
1172 letter of completion or temporary letter of completion, whichever occurs first.

1173           C. For all dry floodproofed nonresidential buildings, a FEMA floodproofing  
1174 certificate shall be submitted by the applicant on the most current version of the form. A  
1175 land surveyor licensed by the state of Washington shall complete the elevation  
1176 information on the certificate and an engineer licensed by the state of Washington shall  
1177 provide the floodproofed certification on the certificate. The certificate shall show the  
1178 actual as-built elevation to which the building is dry floodproofed. In addition to the  
1179 certificate, the following must be provided:

- 1180           1. Photographs of and engineering performance documentation for all shields,  
1181 gates, barriers and other components designed to provide floodproofing protection to the
-

Ordinance 19128

---

1182 building; and

1183 2. A comprehensive maintenance plan for the performance of the floodproofing  
1184 components in times of flood. The maintenance plan shall address the storage or staging  
1185 location of all shields, gates, barriers and floodproofing components, as well as all  
1186 associated hardware and any materials or specialized tools necessary to seal the building.

1187 The maintenance plan shall also address maintenance of the following:

1188 a. exterior envelope of the building;

1189 b. all potential entry points of floodwater to the exterior of the building;

1190 c. all shields, gates, barriers or other components designed to provide

1191 floodproofing protection to the building; and

1192 d. all seals or gaskets for shields, gates, barriers, or other floodproofing  
1193 components.

1194 D. The department shall maintain the certifications required by this section for  
1195 public inspection and for certification under the National Flood Insurance Program.

1196 SECTION 27. Ordinance 17539, Section 54, and K.C.C. 21A.24.271 are hereby  
1197 amended to read as follows:

1198 Before initiating any new floodplain development, the person proposing the  
1199 development shall obtain a floodplain development permit from King County. (~~The~~  
1200 ~~specific details on the floodplain permit process for activities exempt from other King~~  
1201 ~~County permits as well as how to coordinate floodplain development review into other~~  
1202 ~~King County permit reviews will be established in a public rule.)) Exceptions to other  
1203 permit requirements do not apply to floodplain development. The applicant shall ensure  
1204 that all necessary permits have been obtained from those federal, state or local~~

---

Ordinance 19128

---

1205 government agencies from which prior approval is required.

1206           SECTION 28. Ordinance 17173, Section 2, and K.C.C. 21A.24.272 are hereby  
1207 amended to read as follows:

1208           Within coastal high hazard areas, which includes zone VE and adjacent zone AE  
1209 areas on the Flood Insurance Rate Maps, the following applies:

1210           A. All new, substantially improved or converted residential or nonresidential  
1211 buildings ((and substantial improvements to existing buildings)) shall be elevated on  
1212 pilings and columns so that:

1213           1. The bottom of the lowest horizontal structural member of the lowest floor,  
1214 excluding the pilings or columns, is elevated to or above the flood protection elevation;  
1215 ~~((and))~~

1216           2. The pile or column foundation and building attached thereto is anchored to  
1217 resist flotation, collapse and lateral movement due to the effects of wind and water loads  
1218 acting simultaneously on all building components. Wind and water loading values shall  
1219 each have a one percent chance of being equaled or exceeded in any given year; and

1220           3. All building utilities are elevated to or above the flood protection elevation;

1221           B. A registered professional engineer or architect licensed by the state of  
1222 Washington shall prepare the structural design, specifications and plans for the building,  
1223 and shall certify that the design and methods of construction to be used are in accordance  
1224 with accepted standards of practice for meeting the provisions of subsection A. of this  
1225 section. The information should be, in part, provided on a V Zone Design Certificate;

1226           C. The applicant shall provide a complete FEMA elevation certificate on the  
1227 most current version of the form completed by a land surveyor licensed by the state of

Ordinance 19128

---

1228 Washington documenting the elevation of the bottom of the lowest structural member of  
1229 the lowest floor, excluding pilings and columns, of all new and substantially improved  
1230 buildings and additions affixed to the side of a building. The elevation certificate should  
1231 note whether or not such buildings contain a basement. The department shall maintain  
1232 the FEMA elevation certificates required by this section for public inspection and for  
1233 certification under the National Flood Insurance Program;

1234 D. All new buildings shall be located landward of the reach of mean high tide;

1235 E. All new buildings and substantial improvements to existing buildings shall  
1236 maintain the space below the lowest floor free of obstruction. Breakaway walls are  
1237 prohibited. The space can include nonsupporting open wood lattice-work or insect  
1238 screening that is intended to collapse under wind and wave loads without causing  
1239 collapse, displacement or other structural damage to the elevated portion of the building  
1240 or supporting foundation system. The space below the lowest floor can be used only for  
1241 parking of vehicles, building access or limited storage of readily removable items. The  
1242 space shall not be used for human habitation;

1243 F. Fill for structural support of buildings is prohibited;

1244 G. Alteration of sand dunes is prohibited;

1245 H. All manufactured homes to be placed or substantially improved within coastal  
1246 high hazard areas shall meet the standards in subsections A. through F. of this section;

1247 ~~((H.))~~ I. Recreational vehicles placed on sites within zones ~~((V1-30,))~~ VE and ~~((V~~  
1248 ~~and))~~ adjacent AE~~((, -AO and -AH))~~ zones must either:

- 1249 1. Be on the site for fewer than one hundred eighty consecutive days; or
  - 1250 2. Be fully licensed and ready for highway use, which means on their wheels or
-

Ordinance 19128

---

1251 jacking system, attached to the site only by quick\_disconnect-type utilities and security  
1252 devices((;)) and have no permanently attached additions; and

1253 ((~~I~~)) J. The following flood hazard standards ((~~in K.C.C. 21A.24.230 through~~  
1254 ~~21A.24.270~~)) do not apply to coastal high hazard areas: K.C.C. 21A.24.240.A., B., C.,  
1255 E., F. and G.; K.C.C. 21A.24.250; and K.C.C. 21A.24.260.

1256 SECTION 29. The following are hereby repealed:

1257 A. Ordinance 15051, Section 9, and K.C.C. 21A.06.087;

1258 B. Ordinance 15051, Section 48, and K.C.C. 21A.06.476;

1259 C. Ordinance 15051, Section 71, and K.C.C. 21A.06.683; and

1260 D. Ordinance 15051, Section 72, and K.C.C. 21A.06.684.

1261 SECTION 30. The executive shall submit section 17 of this ordinance to the state  
1262 Department of Ecology for its approval, as provided in RCW 90.58.090.

1263 SECTION 31. Section 17 of this ordinance takes effect within the shoreline  
1264 jurisdiction fourteen days after the state Department of Ecology provides written notice  
1265 of final action stating that the proposal is approved, in accordance with RCW 90.58.909.  
1266 The executive shall provide the written notice of final action to the clerk of the council.

1267 SECTION 32. Severability. If any provision of this ordinance or its application

Ordinance 19128

---

1268 to any person or circumstance is held invalid, the remainder of the ordinance or the  
1269 application of the provision to other persons or circumstances is not affected.  
1270

Ordinance 19128 was introduced on 2/4/2020 and passed as amended by the Metropolitan King County Council on 7/7/2020, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:

*Claudia Balducci*

F8830816F1C4427...

Claudia Balducci, Chair

ATTEST:

DocuSigned by:

*Melani Pedroza*

8DE1BB375AD3422...

Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_\_ day of 7/16/2020, \_\_\_\_\_.

DocuSigned by:

*Dow Constantine*

4FBCAB8196AE4C6...

Dow Constantine, County Executive

**Attachments:** A. Flood Insurance Study, dated August 19, 2020, B. Flood Insurance Rate Maps, dated August 19, 2020