

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 892 – Amending Shoreline Municipal Code Chapter 13.12, Floodplain Management
DEPARTMENT:	Planning and Community Development
PRESENTED BY:	Andrew Bauer, Senior Planner
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

On February 19, 2020 the Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination for new Flood Insurance Rate Maps (FIRMs) for cities in King County. The City now has six-months to amend its floodplain management regulations to reflect the new FIRMs which will take effect on August 19, 2020. Amending the floodplain management regulations will ensure the City remains a participating community in the National Flood Insurance Program (NFIP), allowing residents to purchase flood insurance.

Proposed Ordinance No. 892 (Attachment A) provides for these amendments to the City’s floodplain management regulations (Exhibit A) in Shoreline Municipal Code (SMC) Chapter 13.12, Floodplain Management. This proposed Ordinance was discussed by Council on July 13th, and Council directed that it be brought back to Council for adoption. Tonight, Council is scheduled to adopt proposed Ordinance No. 892.

RESOURCE/FINANCIAL IMPACT:

As a condition of the City’s continued membership in the NFIP, staff must administer and enforce the floodplain management regulations. Adoption of the amendments will continue to allow residents to purchase flood insurance under the NFIP.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council adopt Ordinance No. 892, approving the proposed amendments to SMC Chapter 13.12, Floodplain Management and adopting the new FIRMs.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

On February 19, 2020 the Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination for new Flood Insurance Rate Maps (FIRMs) for cities in King County. With the Letter of Final Determination now issued, the City has six-months to amend its floodplain management regulations to adopt the new FIRMs and meet the minimum standards to participate in the NFIP.

The NFIP is a voluntary federal program enabling property owners in participating communities to purchase flood insurance. In exchange, member communities must adopt and enforce minimum regulations developed by the NFIP intended to reduce flood damage. FEMA can only provide flood insurance to those communities that adopt and enforce floodplain management regulations that meet or exceed minimum NFIP requirements.

Preliminary FIRMs for the City were first published in 2013. Outreach to affected properties and stakeholders was conducted to share the preliminary FIRMs and get input on them. City staff also worked closely with FEMA to ensure the best technical data was used in the mapping updates. Since 2013, the FIRMs have been refined and other areas of the county have had preliminary FIRMs released.

There are approximately 110 properties with mapped flood hazard areas in the City (100-year and 500-year floodplain). Flood hazard areas citywide are shown on the map in Attachment B and are focused on the Puget Sound shoreline, Boeing Creek, and Thornton Creek (including Ronald Bog and Twin Ponds). The new FIRMs do not significantly expand the flood hazard areas but instead include more detail regarding base flood elevations.

The City's floodplain management regulations are adopted in Chapter 13.12 SMC. Amendments to Chapter 13.12 are necessary to adopt the latest Flood Insurance Study and FIRMs, as well as to include the minimum necessary regulations required as a condition of participating in the NFIP. Failure to adopt the minimum regulations would result in the City being suspended from the NFIP.

At the July 13, 2020 Council meeting, staff presented proposed Ordinance No. 892 which includes necessary amendments to adopt the new FIRMs and updates to the Floodplain Management regulations. The staff report for the July 13, 2020 Council meeting can be found at the following link:
<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport071320-9c.pdf>.

DISCUSSION

The last substantive update to the City's floodplain management regulations occurred in 2012. The Washington Department of Ecology (Ecology), in partnership with FEMA, has published a statewide "model ordinance" containing minimum floodplain management regulations which take into account the latest round of countywide FIRM updates effective August 19, 2020. City staff have worked closely with Ecology and FEMA to ensure the amendments comply with the minimum standards of the model

ordinance. Failure to adopt the minimum standards would result in the City's suspension from the NFIP and subsequent inability by residents to purchase flood insurance.

The draft amendments to the floodplain management regulations in Attachment A, Exhibit A:

- Include new and updated definitions for key terms;
- Include minimum flood protection standards for structures in coastal hazard areas (V zones);
- Include minimum flood protection standards for structures in all other hazard areas (A zones);
- Clarify that habitat assessments are not required for development outside the special flood hazard area;
- Update the standards for recreational vehicles in the special flood hazard area to be consistent with existing Development Code provisions in SMC 20.40.495;
- Maintain the requirement that most new structures are elevated at least one foot above the base flood elevation; and
- Maintain the existing Floodplain Development Permit review process.

Planning Commission Review

Staff presented the proposed amendments to the Planning Commission at their May 7, 2020 meeting. The staff report for this Planning Commission discussion can be found at the following link: <http://www.shorelinewa.gov/home/showdocument?id=47076>.

On June 4, 2020, the Planning Commission held a Public Hearing and subsequently made their recommendation to approve the proposed amendments. The staff report for the Planning Commission Public Hearing can be found at the following link: <http://www.shorelinewa.gov/home/showdocument?id=47247>.

The Planning Commission recommendation memo from Planning Commission Chair Laura Mork, on behalf of the Planning Commission, is attached to this staff report as Attachment C.

RESOURCE/FINANCIAL IMPACT

As a condition of the City's continued membership in the NFIP, staff must administer and enforce the floodplain management regulations. Adoption of the amendments will continue to allow residents to purchase flood insurance under the NFIP.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council adopt Ordinance No. 892, approving the proposed amendments to SMC Chapter 13.12, Floodplain Management and adopting the new FIRMs.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 892

 Exhibit A – Proposed Amendments to SMC 13.12, Floodplain Management

Attachment B – City of Shoreline Floodplain Map

Attachment C – Planning Commission Recommendation Memo

ORDINANCE NO. 892

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CHAPTER 13.12 FLOODPLAIN MANAGEMENT OF THE SHORELINE MUNICIPAL CODE TO ESTABLISH CONSISTENCY WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND NATIONAL FLOOD INSURANCE PROGRAM MINIMUM REQUIREMENTS AND FLOOD INSURANCE RATE MAPS.

WHEREAS, the City of Shoreline is a participating community in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) and is therefore required to adopt regulations to reduce flood hazards consistent with the minimum requirements established by FEMA and the NFIP as a condition of participation; and

WHEREAS, pursuant to chapter 86.16 RCW, the Washington State Department of Ecology is responsible for coordinating the floodplain management regulation elements aspects of the NFIP, with statewide floodplain management regulation exercised through local government's administration of the NFIP and the establishment of minimum state requirements that equal the minimum federal requirements; and

WHEREAS, on February 19, 2020, FEMA issued a Letter of Final Determination for new Flood Insurance Rate Maps (FIRMs) for designated and mapped flood hazard areas for cities within King County, including the City of Shoreline; becoming effective on August 19, 2020; and

WHEREAS, City Staff has worked closely with the Department of Ecology and FEMA to prepare amendments to the City's floodplain management regulations set forth in Chapter 13.12 of the Shoreline Municipal Code to reflect the new FIRMs and to ensure its regulations meet or exceed NFIP requirements in order to ensure the City's continued participation in the NFIP and to protect the public's health, safety, and welfare; and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) on May 20, 2020; and

WHEREAS, the Shoreline Planning Commission reviewed the proposed amendments on May 7, 2020, and held a virtual public hearing via Zoom on June 4, 2020, recommending adoption of the amendments as proposed by City Planning Staff; and

WHEREAS, the City Council considered the proposed amendments at its July 13, 2020 regular meeting held virtually via Zoom; and

WHEREAS, the City provided public notice of the proposed amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, on May 8, 2020, the City provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the proposed amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan, the Shoreline Municipal Code, and are in the best interests of the City of Shoreline residents;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment – Chapter 13.12 Floodplain Management. Chapter 13.12 Floodplain Management is amended as set forth in Exhibit A to this Ordinance.

Section 2. Transmittal of the Amendment to State Agencies.

A. Washington State Department of Ecology. Pursuant to RCW 86.16.041, the Director of Planning and Community Development or designee is directed to promptly transmit a certified copy of this Ordinance and Exhibit A to the Washington State Department of Ecology for review and approval.

B. Washington State Department of Commerce. Pursuant to RCW 36.70A.106, the Director of Planning and Community Development or designee shall transmit a complete and accurate copy of this Ordinance and Exhibit A to the Washington State Department of Commerce within ten (10) calendar days of the date of passage.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. Unless, disapproved by the Washington State Department of Ecology, this Ordinance shall take effect thirty (30) days from filing with the Department of Ecology as provided for in Section 2.

PASSED BY THE CITY COUNCIL ON JULY 27, 2020

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor
Assistant City Attorney

Date of Publication: _____, 2020

Date filed with Ecology: _____, 2020

Effective Date: _____, 2020

PROPOSED AMENDMENTS:

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Removed text shown with ~~striketrough~~

Chapter 13.12**FLOODPLAIN MANAGEMENT**

Sections:

- 13.12.100 General.
- 13.12.105 Definitions.
- 13.12.200 Floodplain administrator.
- 13.12.300 Regulatory data.
- 13.12.400 General development standards.
- 13.12.500 ~~Structure~~Flood protection standards in all zones.
- 13.12.505 Flood protection standards in A and AE zones.
- 13.12.510 Flood protection standards in V zones.
- 13.12.600 Habitat protection standards.
- 13.12.700 Permits.
- 13.12.800 Administration.

13.12.100 General.

A. Findings of Fact.

1. The city of Shoreline has areas that are subject to periodic inundation and channel migration which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for protection and relief from flooding and channel migration, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. When floodplains and watersheds are developed without appropriate care and precautions, flood heights, frequencies, and velocities increase, increasing threat to humans, damage to property, destruction of natural floodplain functions, and adverse impacts to water quality and habitat.
3. Rivers, streams, lakes, estuarine and marine areas, and their floodplains are major elements of healthy aquatic and riparian habitats and conveyance of floodwaters. If watersheds, rivers, streams, lakes, estuaries, floodplains, and other systems are not viewed holistically as biological and geomorphologic units, serious degradation of habitat and increased flood hazards to people and human development can increase.
4. Over the years, natural processes have evolved that manage floodwaters and channel flows in the most effective and efficient manner. Disruption of these processes by altering land cover, stream channels, wetlands, and other water bodies leads to increased flood hazards, loss of life and property, threats to public health, and loss of habitat.

B. Purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare by managing development in order to:

1. Protect human life, health and property from the dangers of flooding;
2. Minimize the need for publicly funded and hazardous rescue efforts to save those who are isolated by floodwaters;
3. Minimize expenditure of public money for costly flood damage repair and flood control projects;
4. Minimize disruption of commerce and governmental services;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in the floodplain;
6. Maintain a stable tax base by providing for the sound use of flood prone areas to minimize future flood blight areas;
7. Encourage those who occupy areas subject to flooding and channel migration to assume responsibility for their actions;
8. Qualify the city for participation in the National Flood Insurance Program, thereby giving citizens and businesses the opportunity to purchase flood insurance;
9. Maintain the quality of water in rivers, streams, lakes, estuaries, and marine areas and their floodplains so as to protect public water supplies, areas of the public trust, and wildlife habitat protected by the Endangered Species Act;
10. Retain the natural channel, shoreline, and floodplain creation processes and other natural floodplain functions that protect, create, and maintain habitat for threatened and endangered species;
11. Prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels.

C. Applicability. This chapter shall apply to ~~the regulatory floodplain, which is comprised of the special flood hazard area and all protected areas~~ within the jurisdiction of the city of Shoreline as defined in SMC 13.12.105.

13.12.105 Definitions.

Unless specifically defined below, terms or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

“Adversely affect” or “adverse effect” means an effect that is a direct or indirect result of the proposed action or its interrelated or interdependent actions and the effects are not discountable, insignificant or beneficial. A discountable effect is extremely unlikely to occur. An insignificant effect relates to the size of the impact and should never reach the scale where a take occurs. Based on best judgment, a person would not: (A) be able to meaningfully measure, detect, or evaluate an insignificant effect; or (B) expect a discountable effect to occur. See also definition of “beneficial effect” below.

“Appurtenant structure” means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the “100-year flood”). The area subject to the base flood is the special flood hazard area designated on flood insurance rate maps as Zone “A” or “V” including AE, AO, AH, A1-99 and VE.

“Base flood elevation” means the elevation to which floodwater is anticipated to rise during ~~of the base flood above the datum of the effective flood insurance rate map (FIRM).~~

“Basement” means any area of the structure having its floor subgrade (below ground level) on all sides.

“Beneficial effect” means a contemporaneous positive effect without any adverse effect. In the event that the overall effect of the proposed action is beneficial, but is also likely to cause some adverse effect, then the proposed action is considered to result in an adverse effect. See also definition of “adversely affect” above.

“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

“Channel migration zone” means the area within the lateral extent of likely stream channel movement due to a destabilization and erosion, rapid stream incision, aggradations, avulsions, and shifts in location of stream channels.

“Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.

“Critical facility” means a facility necessary to protect the public health, safety, and welfare during a flood. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste ~~(other than consumer products containing hazardous substances or hazardous waste intended for household use).~~

“Development” means for purposes of the National Flood Insurance Program, any constructed change to improved or unimproved real estate in the special flood hazard area regulatory floodplain, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, subdivision of land, removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics.

“Director” means the planning and community development director or designee.

“Dry floodproofing” means any combination of structural and nonstructural measures that prevent floodwaters from entering a structure.

“Elevation certificate” means an administrative tool of the most current version of the FEMA National Flood Insurance Program (NFIP) that can be used to provide elevation information form that documents the elevation of a structure within a special flood hazard area relative to the ground level so as to ensure compliance with this chapter, to determine the proper flood insurance premium rate, and/or to support a request for a Letter of Map Amendment (LOMA) or a Letter of Map Revision based on fill (LOMR-F).

“ESA” means the Endangered Species Act.

“Federal Emergency Management Agency (FEMA)” means the agency responsible for administering the National Flood Insurance Program.

“FEMA” means Federal Emergency Management Agency.

“FIRM” means flood insurance rate map.

“Fish and wildlife habitat conservation area” means lands needed to maintain species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. These areas are designated in SMC 20.80.260 through 20.80.300.

“Flood” or “flooding” means:

A. a general and temporary condition of partial or complete inundation of normally dry land areas from:

~~A. 1.~~ The overflow of inland or tidal waters; ~~and/or~~

~~B. 2.~~ The unusual and rapid accumulation of runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (A)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

“Flood elevation study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

“Flood insurance rate map (FIRM)” means the official map of a community, on which the Federal Insurance Administrator Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

“Flood insurance study (FIS)” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map, and the water surface elevation of the base flood.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See “flood or flooding.”

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

“Flood protection elevation (FPE)” means the elevation above the datum of the effective FIRM to which new and substantially improved structures must be protected from flood damage. The flood protection elevation within the limits of the city of Shoreline shall be the base flood elevation plus one foot.

“Floodway” means the channel of a ~~river-stream~~ or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height one foot at any point. Also referred to as “regulatory floodway.”

“Functionally dependent use” means a use that must be located or carried out close to water, for example docking or port facilities necessary for the unloading of cargo or passengers, or shipbuilding and ship repair.

“Habitat Assessment” means a written document that describes a project, identifies and analyzes the project’s impacts to habitat for species discussed in the “Endangered Species Act – Section 7 Consultation Final Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document – Puget Sound Region,” and provides an Effects Determination.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means a structure that:

A. Is individually listed in ~~on~~ the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, ~~the Washington Heritage Register, or the Washington Heritage Barn Register; or~~

B. Has been certified or preliminarily determined by the Secretary of the Interior as contributing to ~~contribute~~ to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

C. Is individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or

D. Is individually on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of Interior, or

2. Directly by the Secretary of Interior in states without approved programs.

“Hyporheic zone” means a saturated layer of rock or sediment beneath and/or adjacent to a stream channel that contains some proportion of channel water or that has been altered by channel water infiltration.

“Impervious surface” means a nonvegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to the development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement or crawl space) of a structure. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building

access, or storage in an area other than a basement area, is not considered a structure's lowest floor; provided, that such enclosure is compliant with SMC 13.12.500(B)(56), so that there are adequate openings to allow floodwaters into the area.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

"Market value" means either the true and fair value of the property as established by the county assessor or by a Washington State certified or licensed appraiser.

"Mean sea level" means for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's flood insurance rate map are referenced.

"Native vegetation" means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest, which community's area and that reasonably could be expected to naturally occur on the site.

"Natural floodplain functions" means the contribution that a floodplain makes to support habitat, including but not limited to providing flood storage and conveyance, reducing flood velocities, reducing sedimentation, filtering nutrients and impurities from runoff, processing organic wastes, moderating temperature fluctuations, and providing breeding and feeding grounds, shelter, and refugia for aquatic or riparian species.

"New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after March 4, 1997 and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures the effective date of this chapter.

"NMFS" means National Marine Fisheries Service.

"Protected area" means the lands within the special flood hazard area that lie within the boundaries of the floodway, the riparian habitat zone, and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the protected area. The extent of the protected area is identified in SMC 13.12.300(C).

"Recreational vehicle" means a vehicle:

- A. Built on a single chassis; and
- B. Four hundred square feet or less when measured at the largest horizontal projection; and
- C. Designed to be self-propelled or permanently towable by an automobile or light duty truck; and
- D. Designed primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use, not as a permanent dwelling.

~~“Regulatory floodplain” means the area of the special flood hazard area plus the protected area, as defined in SMC 13.12.300. The term also includes newly designated areas that are delineated pursuant to SMC 13.12.300(E).~~

“Riparian” means of, adjacent to, or living on the bank of a river, lake, pond, ocean, sound, or other water body.

“Riparian habitat zone” means the water body and adjacent land areas within the special flood hazard area that are likely to support aquatic and riparian habitat as detailed in SMC 13.12.300(D)(2).

“Special flood hazard area (SFHA)” means the land subject to inundation by the base flood. Special flood hazard areas are designated on flood insurance rate maps with the letter “A” or “V” including AE, ~~AO,~~ ~~AH, A1-99~~ and VE. The special flood hazard area is also referred to as the area of special flood hazard or SFHA.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial damage” also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any ~~repair,~~ reconstruction, rehabilitation, addition, ~~replacement,~~ or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure ~~either:~~

~~A. Before the “start of construction” of the improvement;~~

~~B. Before damage occurred, if the structure has been damaged or is being restored.~~

~~Substantial improvement occurs with the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects external dimensions.~~

Substantial improvement This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. This term does not, however, include either:

A. Substantial improvement does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or-

B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Variance (floodplain)” means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

“Water typing” means a system for classifying water bodies according to their size and fish habitat characteristics. The Washington Department of Natural Resources’ forest practices water typing classification system is hereby adopted by reference. The system defines four water types:

- A. Type “S” – Shoreline. Streams that are designated “shorelines of the state,” including marine shorelines.
- B. Type “F” – Fish. Streams that are known to be used by fish or meet the physical criteria to be potentially used by fish.
- C. Type “Np” – Non-fish perennial streams.
- D. Type “Ns” – Non-fish seasonal streams.

“Waters of the state” includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

“Zone” means one or more areas delineated on the FIRM. ~~The following zones may be used on the adopted FIRM. The special flood hazard area is comprised of the A and V zones.~~

A	SFHA where no base flood elevation is provided.
A#	Numbered A Zones (e.g., A7 or A14), SFHA with a base flood elevation.
AE	SFHA with a base flood elevation.
AO	SFHA subject to inundation by shallow flooding usually resulting from sheet flow on sloping terrain, with average depths between one and three feet. Average flood depths are shown.
AH	SFHA subject to inundation by shallow flooding (usually pond areas) with average depths between one and three feet. Base flood elevations are shown.

B	The area between the SFHA and the 500-year flood of the primary source of flooding. It may also be an area with a local, shallow flooding problem or an area protected by a levee.
C	An area of minimal flood hazard, as above the 500-year flood level of the primary source of flooding. B and C zones may have flooding that does not meet the criteria to be mapped as a special flood hazard area, especially pond and local drainage problems.
D	Area of undetermined but possible flood hazard.
V	The SFHA subject to coastal high-hazard flooding including waves of three feet or greater in height. There are three types of V zones: V, V#, and VE, and they correspond to the A zone designations.
X	The area outside the mapped SFHA.
X	The same as a Zone B, above.
Shaded	

13.12.200 Floodplain administrator.

A. Administrator Designation. The planning and community development director is hereby appointed as the floodplain administrator, to administer and implement this chapter by granting or denying floodplain development permit applications in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions.

B. Administrator Duties. The director’s duties shall include, but shall not be limited to, the following:

1. Ensure that all development activities within the special flood hazard area ~~regulatory floodplain~~ of the jurisdiction of the city meet the requirements of this chapter.
2. Review all floodplain development permits to determine that the permit requirements of this chapter have been satisfied.
3. Review all floodplain development permits to determine if the proposed development is located in the protected area. If located in the protected area, ensure that the provisions of SMC 13.12.600 are met.
4. Review all floodplain development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required, including those local, state or federal permits that may be required to assure compliance with the Endangered Species Act and/or other appropriate state or federal laws.

5. Delegate to the building official, or designee, the responsibility to inspect all development projects before, during, and after construction to ensure compliance with all provisions of this chapter, including proper elevation of the structure.
6. Maintain for public inspection all records pertaining to the provisions of this chapter.
7. Submit reports as required for the National Flood Insurance Program.
8. Notify FEMA of any proposed amendments to this chapter or when annexations occur within the Special Flood Hazard Area.
9. Cooperate with state and federal agencies to improve flood and other technical data and notify FEMA of any new data that would revise the FIRM.

~~C. Upon receipt of a permit for a development project within a floodplain, the director shall compare the elevation of the site to the base flood elevation. A development project is not subject to the requirements of this chapter if it is located on land that can be shown to be:~~

- ~~1. Outside the protected area; and~~
- ~~2. Higher than the base flood elevation.~~

~~D. The director shall inform the applicant that the project may still be subject to the flood insurance purchase requirements unless the owner receives a letter of map amendment from FEMA.~~

~~E. The director shall make interpretations where needed, as to the exact location of the boundaries of the regulatory floodplain, the SFHA and the protected area where there appears to be a conflict between the mapped SFHA boundary and actual field conditions as determined by the base flood elevation and ground elevations. The applicant may appeal the director's interpretation of the location of the boundary to the hearing examiner according to the procedures described in SMC 20.30.200 through 20.30.270.~~

13.12.300 Regulatory data.

~~A. Regulatory Floodplain. The regulatory floodplain is comprised of the special flood hazard area and all protected areas within the jurisdiction of city of Shoreline. The term also includes areas delineated pursuant to subsection E of this section.~~

~~B.A. Special Flood Hazard Area. The special flood hazard area (SFHA) is the area subject to flooding by the base flood and subject to the provisions of this chapter. It is identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for King County and Incorporated Areas," dated August 19, 2020 ~~April 19, 2005~~, and any revisions thereto, with an accompanying ~~Flood Insurance Rate Map~~ (FIRM), and any revisions thereto, hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at 17500 Midvale Avenue N, Shoreline, WA 98133.~~

~~C.B. Flood Hazard Data.~~

- ~~1. The base flood elevation for the SFHAs of the city of Shoreline shall be as delineated on the 100-year flood profiles in the flood insurance study for King County.~~
- ~~2. The base flood elevation for each SFHA delineated as a "Zone AH" or "Zone AO" shall be that elevation (or depth) delineated on the flood insurance rate map. Where base flood depths are not available in Zone AO, the base flood elevation shall be considered two feet above the highest grade adjacent to the structure.~~

3. The base flood elevation for all other SFHAs shall be as defined in subsections (~~EB~~)(6) and (~~ED~~)(4) of this section.
4. The flood protection elevation (FPE) shall be the base flood elevation plus one foot.
5. The floodway shall be as delineated on the flood insurance rate map or in accordance with subsections (~~EB~~)(6) and (~~ED~~)(4~~5~~) of this section.
6. Where base flood elevation and floodway data have not been provided in special flood hazard areas, the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source.
7. Where elevation data are not available either through the flood insurance study, FIRM, or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness includes use of historical data, high water marks, photographs of past flooding, etc. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

~~DC~~. Protected Area. The protected area is ~~comprised~~ composed of those lands within the special flood hazard area that lie within the boundaries of the floodway, the riparian habitat zone, and the channel migration area. The protected area shall not extend beyond the furthest extent of the special flood hazard area.

1. In riverine areas, where a floodway has not been designated in accordance with subsection (~~EB~~)(5), (~~EB~~)(6), or (~~ED~~)(5) of this section, the protected area is comprised of those lands that lie within the boundaries of the riparian habitat zone, the channel migration area, and the SFHA.
2. The riparian habitat zone includes those watercourses and adjacent lands within the SFHA ~~and adjacent land areas~~ that are likely to support aquatic and riparian habitat. The size and location of the riparian habitat zone is dependent on the type of water body. The riparian habitat zone includes the water body and adjacent lands, measured perpendicularly from ordinary high water on both sides of the water body:
 - a. Type S – Streams that are designated “shorelines of the state”: 250 feet.
 - b. Type F – Fish-bearing streams greater than five feet wide and marine shorelines: 200 feet.
 - c. Type F – Streams less than five feet wide and lakes: 150 feet.
 - d. Type N – Non-salmonid-bearing perennial and seasonal streams with unstable slopes: 225 feet.
 - e. All other Type N – Non-salmonid-bearing perennial and seasonal streams: 150 feet.
3. Channel Migration Area.
 - a. The channel migration area shall be the channel migration zone plus 50 feet.
 - b. Where a channel migration zone has not yet been mapped, the provisions of subsection (~~ED~~)(6) of this section shall apply at the time of permit application.
 - c. Where more than one channel migration zone has been delineated, the director shall use the delineation that has been adopted for other local regulatory purposes.

~~ED~~. New Regulatory Data.

1. All requests to revise or change the flood hazard data, including requests for a letter of map revision and a conditional letter of map revision, shall be reviewed by the director.
 - a. The director shall not sign the community acknowledgment form for any requests based on filling or other development, unless the applicant for the letter documents that such filling or development complies with this chapter.
 - b. The director shall not approve a request to revise or change a floodway delineation until FEMA has issued a conditional letter of map revision that approves the change.
2. The director shall use the most restrictive data available for the channel migration zone, floodways, future conditions, and riparian habitat areas.
3. If an applicant disagrees with the regulatory data prescribed by this chapter, they may submit a detailed technical study needed to replace existing data with better data in accordance with FEMA mapping guidelines or *Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management and the Endangered Species Act, 2010, FEMA Region 10, as amended*. If the data in question are shown on the published FIRM, the submittal must also include a request to FEMA for a conditional letter of map revision.
4. Where base flood elevation data are not available in accordance with subsection ~~EB~~ of this section, applicants for approval of new subdivisions and other proposed developments, including proposals for manufactured home parks and subdivisions greater than 50 lots or five acres, whichever is smaller, shall include such data with their permit applications.
5. Where floodway delineation is not available in accordance with subsection ~~EB~~ of this section, the floodway will be designated to be one-half the distance of the mapped 100-year floodplain at any point, and the prohibition on floodway development applies, unless a floodway study indicates otherwise. This provision applies to any floodplain development permit, including those for substantial improvements.
6. Where channel migration zone data are not available in accordance with subsection ~~EC~~(3) of this section, the permit applicant shall either:
 - a. Designate the entire SFHA as the channel migration zone; or
 - b. Identify the channel migration area in accordance with *Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management and the Endangered Species Act, 2010, FEMA Region 10, as amended*.
7. All new hydrologic and hydraulic flood studies conducted pursuant to this section shall consider future conditions and the cumulative effects from anticipated future land use changes in accordance with *Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management and the Endangered Species Act, 2010, FEMA Region 10, as amended*.

13.12.400 General development standards.

A. Subdivisions. This section applies to all subdivision proposals, short subdivisions, short plats, planned developments, and new manufactured housing parks, as well as expansions to manufactured housing parks.

1. All proposals shall be consistent with the need to minimize flood damage.

2. The proposed subdivision should have one or more new lots in the ~~regulatory floodplain~~ SFHA set aside for open space use through deed restriction, easement, subdivision covenant, or donation to a public agency.
3. In the ~~regulatory floodplain~~ SFHA outside the protected area, zoning must maintain a low density of floodplain development. The density of the development in the portion of the development outside the ~~regulatory floodplain~~ SFHA may be reallocated from those areas in the SFHA increased to account compensate for land in the ~~regulatory floodplain~~ SFHA preserved as open space in accordance with SMC 20.70.150(A). The development shall not exceed the densities allowed pursuant to SMC Title 20.
4. If a parcel has a buildable site outside the ~~regulatory floodplain~~, the parcel shall not be subdivided to create a new lot, tract, or parcel that does not have a buildable site outside the ~~regulatory~~ floodplain. This provision does not apply to lots set aside from development and preserved as open space.
5. All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage.
6. All proposals shall ensure that all subdivisions have at least one access road connected to land outside the ~~regulatory~~ floodplain with the surface of the road at or above the FPE wherever possible.
7. All proposals shall have adequate drainage provided to avoid exposure to water damage and to reduce exposure to flood damage.
8. The final recorded subdivision plat shall include a notice that part of the property is in the SFHA, riparian habitat zone, and/or channel migration area, as appropriate.

B. Site Design.

1. Structures and other development shall be located to avoid flood damage.
 - a. If a lot has a buildable site outside of the ~~regulatory floodplain~~ SFHA, ~~whenever possible all new structures shall be located in the area outside of the SFHA, whenever possible, that area.~~
 - b. If a lot does not have a buildable site outside of the ~~regulatory floodplain~~ SFHA, all new structures, pavement, and other development must be sited in the location that has the least impact on habitat by locating the structures as far from the water body as possible, or by placing the structures on the highest land on the lot.
 - e. ~~All new structures shall be set back at least 15 feet from the protected area.~~
2. All new development shall be designed and located in accordance with the applicable provisions of Chapter 13.10 SMC and to minimize the impact on flood flows, flood storage, water quality, and habitat.
 - a. Stormwater and drainage features shall incorporate low impact development techniques, if technically feasible, that mimic predevelopment hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervious areas, permeable pavement, and vegetative roof systems.
 - b. If the proposed project will create new impervious surfaces so that more than 10 percent of the portion of the lot in the ~~regulatory~~ floodplain is covered by impervious surface, the applicant shall demonstrate that there will be no net increase in the rate and volume of the stormwater

surface runoff that leaves the site or that the adverse impact is mitigated, as provided by SMC 13.12.600(F) and (G).

3. The site plan required in SMC 13.12.700(D) shall account for surface drainage to ensure that:
 - a. Existing and new buildings on the site will be protected from stormwater runoff; and
 - b. The project will not divert or increase surface water runoff onto neighboring properties.
4. If the proposed project does not meet the criteria of subsections (B)(1) and (2) of this section, the proponent shall conduct a habitat impact assessment pursuant to SMC 13.12.600(F) and, if necessary, the proponent shall prepare and implement a habitat mitigation plan pursuant to SMC 13.12.600(G).

C. Hazardous Materials.

1. No new development shall create a threat to public health, public safety, or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other materials that are hazardous, toxic, or a threat to water quality are prohibited from the regulatory floodplain. This prohibition does not apply to small quantities of these materials kept for normal household use. This prohibition does not apply to the continued operations of existing facilities and structures, reuse of existing facilities and structures, or functionally dependent facilities or structures.
2. If the proposed project cannot meet subsection (C)(1) of this section, then the proponent shall conduct a habitat assessment in accordance with SMC 13.12.600(F) and (G).

D. Critical Facilities.

1. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the ~~regulatory floodplain~~ SFHA.
2. Construction of new critical facilities in the ~~regulatory floodplain~~ SFHA shall be permissible if no feasible alternative site is available, provided:
 - a. Critical facilities shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher.
 - b. Access to and from the critical facility shall be protected to the elevation of the 500-year flood.
 - c. If there are no available data on the 500-year flood, the permit applicants shall develop the needed data in accordance with FEMA mapping guidelines.

~~E. Sand Dunes. Nonnatural alterations of sand dunes within Zones V1-30, VE, and V which would increase potential flood damage are prohibited.~~

13.12.500 Structure Flood protection standards in all zones.

A. In the special flood hazard area, all new structures and substantial improvements shall be protected from flood damage below the flood protection elevation, including:

1. Construction or placement of a new structure.
2. Reconstruction, rehabilitation, or other improvement that will result in a substantially improved building.

3. Repairs to an existing building that has been substantially damaged.
4. Placing a manufactured home on a site.
5. Placing a recreational vehicle or travel trailer on a site for more than 180 days.

B. General Flood Protection Standards.

~~1. All new structures and substantial improvements shall have the lowest floor, including basement, elevated above the FPE.~~

~~21.~~ The structure shall be aligned parallel with the direction of flood flows where practicable.

~~32.~~ The structure shall be anchored to prevent flotation, collapse, or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

~~43.~~ All materials below the FPE shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife, such as creosote, are prohibited below the FPE.

~~54.~~ Electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities shall be elevated above the FPE. Water, sewage, electrical, and other utility lines below the FPE shall be constructed to prevent water from entering or accumulating within them during conditions of flooding.

~~65.~~ Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, shall be used only for parking, storage, or building access and or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall ~~either be certified by a registered professional engineer or licensed architect and/or~~ meet or exceed the following minimum criteria:

- a. ~~Include A~~ a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;:-
- b. The bottom of all openings shall be no higher than one foot above grade;:-
- c. Openings may be equipped with screens, louvers, or other coverings or devices provided that if they permit the automatic entry and exit of floodwaters; and
- d. A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exist of floodwaters.

D. Manufactured Homes. All manufactured homes to be placed or substantially improved on sites shall be:

1. Elevated on a permanent foundation and the lowest floor elevated one foot or more above the BFE- in accordance with subsection B of this section; and
2. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.

3. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood; shall meet the applicable flood protection standards for residential structures.

E. Recreational Vehicles. Recreational vehicles may be occupied for temporary lodging for up to two weeks (two weeks equals one occupancy) on a lot and within the SFHA with the permission of the property owner subject to the following conditions:

1. Limited to one recreational vehicle per lot plus additional recreational vehicles for every 10,000 square feet of lot, above the minimum lot size for a particular zone;
2. No more than two occupancies per calendar year;
3. Such occupancy does not create a public health hazard or nuisance;
4. The recreational vehicle must be parked on an approved surface that meets the off-street parking construction standards in the Engineering Development Manual;
5. The recreational vehicle shall not be parked in yard setbacks;
6. The recreational vehicle may be occupied for temporary lodging for up to 30 days if connected to approved utilities including water and wastewater disposal;
7. No business occupation shall be conducted in a recreational vehicle;
8. Recreational vehicles shall not use generators;
9. Any deviation from time limits, number of occupancies per year, and number of recreational vehicles allowed may be proposed through a temporary use permit, SMC 20.30.295. If a temporary use permit allows the recreational vehicle to be on a lot for more than 180 consecutive days, the following conditions shall apply in addition to the conditions 1-8 above:
 - a. The recreational vehicle shall be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - b. Be permitted according to SMC 13.12.700 and meet the residential flood protection requirements of this chapter and the anchoring requirements for manufactured homes in SMC 13.12.500(D).

F. Appurtenant Structures. A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure and is not used for human habitation may be exempt from the elevation requirement of this chapter, provided:

1. It is used only for parking or storage;
2. It is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
3. It is anchored to prevent flotation which may result in damage to other structures;
4. All portions of the structure below the FPE must be constructed of flood-resistant materials;

5. Service utilities such as electrical and heating equipment meet the standards of subsections (B)(4) and G of this section;

6. It has openings to allow free flowage of water that meet the criteria in subsection (B)(5) of this section;

7. The structure meets all the other requirements of this chapter, including SMC 13.12.600.

G. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

2. Water wells shall be located outside the floodway and shall be protected to the FPE;

3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. A habitat impact assessment shall be conducted as a condition of approval of an on-site waste disposal system to be located in the special flood hazard area.

13.12.505 Flood protection standards in A and AE zones.

A. Residential Construction.

1. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

2. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

B. Nonresidential Construction.

1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the requirements of subsection a or b, below.

a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

i. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.

ii. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

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

i. Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certifications shall be provided to the director as set forth in SMC 13.12.700(E)(1)(a) and 13.12.800(A)(3);

iv. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in subsection (B)(2) below;

(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)

2. As an alternative to elevation, a new or substantial improvement to a nonresidential structure and its attendant utility and sanitary facilities may be dry floodproofed in A zones. The structure must meet the following:

a. The structure is not located in Zones V, V1-30, or VE; and

b. The structure shall be floodproofed so that one foot or more above base flood elevation is watertight with walls substantially impermeable to the passage of water; and

c. The structural components are capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

d. The plans are certified by a registered professional engineer or licensed architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certifications shall be provided to the director as set forth in SMC 13.12.700(E)(1)(a) and 13.12.800(A)(3).

13.12.510 Flood protection standards in V zones.

A. Located within the special flood hazard area are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting the flood protection standards in SMC 13.12.500, the following provisions of this subsection shall also apply:

71. All new construction and substantial improvements in Zones V, V1-30 and VE (V if base flood elevation data is available) on the community's FIRM, new structures and substantial improvements shall be elevated on pilings or columns so that:

~~a. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting these provisions.~~

~~b~~a. Elevation:

~~i. For residential construction, the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at or above least one foot above the flood protection elevation-FPE.~~

~~ii. For nonresidential construction, the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at or above the flood protection elevation or meets the elevation requirements of ASCE 24, whichever is higher; and~~

~~e~~b. The pile or column foundation and structure attached thereto ~~is~~are anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

~~c. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting these provisions.~~

2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The director shall maintain a record of all such information.

3. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space ~~The areas~~ below the lowest floor ~~either that are subject to flooding shall be~~ free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space shall be useable solely for parking vehicles, building access, or storage. Such space shall not be used for human habitation.

~~e4. All new construction within zones V1-30, VE, and V on the community's FIRM~~The structure or improvement shall be located landward of the reach of mean high tide.

~~f5. The use of fill for structural support of structures within zones V1-30, VE, and V on the community's FIRM~~a structure or addition is prohibited.

6. Sand Dunes. Nonnatural alterations of sand dunes within Zones V1-30, VE, and V which would increase potential flood damage are prohibited.

~~C. Nonresidential Construction:~~

~~1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall be elevated in accordance with subsection B of this section.~~

~~2. As an alternative to elevation, a new or substantial improvement to a nonresidential structure and its attendant utility and sanitary facilities may be dry floodproofed in A zones. The project must meet the following:~~

~~a. The structure is not located in Zones V, V1-30, or VE; and~~

~~b. The structure shall be floodproofed so that one foot or more above base flood elevation is watertight with walls substantially impermeable to the passage of water; and~~

~~c. The structural components are capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and~~

~~d. The plans are certified by a registered professional engineer or licensed architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the director as set forth in SMC 13.12.700(E)(1)(a) and 13.12.800(A)(3).~~

~~D. Manufactured Homes. All manufactured homes to be placed or substantially improved on sites shall be:~~

~~1. Elevated on a permanent foundation in accordance with subsection B of this section; and~~

~~2. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.~~

~~E. Recreational Vehicles. Recreational vehicles placed on sites shall:~~

~~1. Be on the site for fewer than 180 consecutive days; or~~

~~2. Be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or~~

~~3. Be permitted according to SMC 13.12.700 and meet the requirements of this section.~~

~~F. Appurtenant Structures. A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure and is not used for human habitation may be exempt from the elevation requirement of subsection (B)(1) of this section, provided:~~

- ~~1. It is used only for parking or storage;~~
- ~~2. It is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;~~
- ~~3. It is anchored to prevent flotation which may result in damage to other structures;~~
- ~~4. All portions of the structure below the FPE must be constructed of flood resistant materials;~~
- ~~5. Service utilities such as electrical and heating equipment meet the standards of subsections (B)(5) and G of this section;~~
- ~~6. It has openings to allow free flowage of water that meet the criteria in subsection (B)(6) of this section;~~
- ~~7. The project meets all the other requirements of this chapter, including SMC 13.12.600.~~

~~G. Utilities.~~

- ~~1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;~~
- ~~2. Water wells shall be located outside the floodway and shall be protected to the FPE;~~
- ~~3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;~~
- ~~4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. A habitat impact assessment shall be conducted as a condition of approval of an on-site waste disposal system to be located in the regulatory floodplain.~~

13.12.600 Habitat protection standards.

A. The provisions of this section apply in the ~~regulatory floodplain~~SFHA. Activities listed herein must meet all federal, state, and city of Shoreline requirements.

B. Native Vegetation.

1. The site plan required in SMC 13.12.700(D) shall show existing native vegetation.
2. In the riparian habitat zone, native vegetation shall be left undisturbed, except as provided in SMC 13.12.700(B)(3) and (C).
3. Outside the riparian habitat zone, removal of native vegetation shall not exceed 35 percent of the surface area of the portion of the site in the regulatory floodplain. Native vegetation in the riparian habitat zone portion of the property can be counted toward this requirement.
4. If the proposed project does not meet the criteria of subsections (B)(2) and (B)(3) of this section, a habitat impact assessment shall be conducted pursuant to subsection F of this section and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to subsection G of this section.

C. Floodway Standards.

1. In addition to the other requirements of this chapter, a project to develop in the floodway as delineated pursuant to SMC 13.12.300(~~CB~~)(5), (~~CB~~)(6), or (~~ED~~)(5) shall meet the following criteria:

a. The applicant shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels during the occurrence of the base flood discharge.

b. Construction or reconstruction of residential structures is prohibited within designated floodways, except for the following. The following exceptions must meet all other requirements in this chapter, including subsection (C)(1)(a) of this section:

i. Repairs, reconstruction, or improvements to a residential structure which do not increase the ground floor area, providing the cost of which does not exceed 50 percent of the market value of the structure either (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by a local code enforcement official and which are the minimum necessary to assure safe living conditions, or to an historic structure, may be excluded from the 50 percent calculations;

ii. Repairs, replacement, reconstruction, or improvements to substantially damaged residential dwellings other than farmhouses that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-076; or

iii. Repairs, reconstruction, or improvements to residential structures identified as historic structures that do not increase the building's dimensions.

2. In riverine special flood hazard areas where a floodway has not been delineated pursuant to SMC 13.12.300(~~CB~~)(5), (~~CB~~)(6), or (~~ED~~)(5), the applicant for a project to develop in the SFHA shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development and all other past or future similar developments would not cumulatively result in an increase of flood levels during the occurrence of the base flood discharge by more than 0.01 feet.

3. All new construction and substantial improvements within the floodway shall comply with all applicable flood hazard protection provisions of SMC 13.12.500.B and C.

D. Compensatory Storage. New development shall not reduce the effective flood storage volume of the ~~regulatory~~ floodplain. A development proposal shall provide compensatory storage if grading or other activity eliminates any effective flood storage volume. Compensatory storage shall:

1. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles;

2. Be hydraulically connected to the source of flooding; and

3. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins.

4. The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

E. Alteration of Watercourses.

1. In addition to the other requirements in this section, an applicant for a project that will alter or relocate a watercourse shall also submit a request for a conditional letter of map revision (CLOMR), where required by the Federal Emergency Management Agency. The project will not be approved unless FEMA issues the CLOMR (which requires ESA consultation) and the provisions of the letter are made part of the permit requirements.

2. The director shall notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

3. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. If the maintenance program does not call for cutting of native vegetation, the system shall be oversized at the time of construction to compensate for said vegetation growth or any other natural factor that may need future maintenance.

F. Habitat Impact Assessment. Unless allowed under SMC 13.12.700(B) and (C), a permit application to develop in the ~~regulatory floodplain~~ SFHA shall include an assessment of the impact of the project on federal, state or locally protected species and habitat, water quality and aquatic and riparian habitat. The assessment shall be performed by a qualified professional as defined by SMC 20.20.042 who is approved by the city or under contract to the city. The assessment shall be:

1. A biological evaluation or biological assessment developed per 50 CFR 402.12 to initiate federal interagency consultation under Endangered Species Act Section 7(a)(2); or

2. Documentation that the activity fits within Section 4(d) of the Endangered Species Act; or

3. Documentation that the activity fits within a habitat conservation plan approved pursuant to Section 10 of the Endangered Species Act, where any such assessment has been prepared or is otherwise made available; or

4. An assessment prepared in accordance with *Floodplain Habitat Assessment and Mitigation* ~~Draft Regional Guidance for the Puget Sound Basin, 2013~~, FEMA Region 10, as amended. The assessment shall determine if the project would adversely affect:

- a. Species that are federal, state, or local listed as threatened or endangered,
- b. The primary constituent elements for critical habitat, when designated,
- c. Essential fish habitat designated by the National Marine Fisheries Service,
- d. Fish and wildlife habitat conservation areas,
- e. Other protected areas and elements necessary for species conservation.

G. Habitat Mitigation Plan.

1. If the assessment conducted under subsection F of this section concludes the project is expected to have an adverse effect on water quality and/or aquatic or riparian habitat or habitat functions, the applicant shall provide a plan to mitigate those impacts, in accordance with *Floodplain Habitat*

Assessment and Mitigation ~~Draft~~ *Regional Guidance for the Puget Sound Basin, 2013*, FEMA Region 10, as amended.

- a. If the USFWS or NMFS issues an incidental take permit under Section 10 ESA, or biological opinion under this section, the permit can be considered to qualify as a plan to mitigate those impacts.
 - b. If the project is located outside the protected area, the mitigation plan shall include such avoidance, minimization, restoration, or compensation measures so that indirect adverse effects of development in the floodplain (effects to stormwater, riparian vegetation, bank stability, channel migration, hyporheic zones, wetlands, large woody debris, etc.) are mitigated such that equivalent or better habitat protection is provided.
 - c. No new stream crossings are allowed outside the protected area unless approval has been obtained as stated in subsection (G)(1)(a) of this section.
 - d. If the project is located in the protected area, the mitigation plan shall stipulate avoidance measures as are needed to ensure that there is no adverse effect during any phase of the project.
2. The plan's habitat mitigation activities shall be incorporated into the proposed project. The floodplain development permit shall be based on the redesigned project and its mitigation components.
 3. As required in SMC 13.12.700(E), the building official shall not issue a certification of use or a certificate of occupancy until all work identified in the habitat assessment and mitigation plan has been completed or the applicant has provided the necessary assurance that unfinished portions of the project will be completed, in accordance with SMC 13.12.700(E)(2).

13.12.700 Permits.

A. Floodplain Development Permit.

1. For all applicable development within the special flood hazard area ~~regulatory floodplain~~, a floodplain development permit shall be obtained before construction or development occurs.
2. Activities allowed by SMC Title 20, Shoreline Development Code, are allowed, provided they meet all the other requirements of this chapter, including the analysis required in SMC 13.12.600(C) and the habitat impact assessment required under SMC 13.12.600(F), a floodplain development permit is issued, and all other federal, state, and local requirements are met.
3. The site shall be reasonably safe from flooding.
4. Proposed development shall not be located in the floodway. If development is located in the floodway, the encroachment provisions of 13.12.600(C) shall be satisfied.
35. A floodplain development permit is a Type A permit administered according to SMC 20.30.040, except that the director shall approve extensions beyond 180 days following complete application and following issuance.
46. All activities within the special flood hazard area ~~regulatory floodplain~~ must meet all applicable federal, state, and local requirements.

B. ~~Partial Permit Exemptions from Habitat Impact Assessment~~. The following activities require a floodplain development permit and are allowed in the special flood hazard area ~~regulatory floodplain~~

without the analysis required in ~~SMC 13.12.600(C)~~ or the habitat impact assessment required under SMC 13.12.600(F), provided ing all other requirements are met, including federal, state, and local requirements:

1. Repair or remodeling of an existing structure, if the repair or remodeling is not a substantial improvement, or a repair of substantial damage.
2. Expansion of an existing structure that is no greater than 10 percent beyond its existing footprint; provided, that the repairs or remodeling is not a substantial improvement, or a repair of substantial damage. This measurement is counted cumulatively from September 22, 2011. If the structure is in the floodway, there shall be no change in the dimensions perpendicular to flow.
3. Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas, provided the activities do not include structures, grading, fill, or impervious surfaces.
4. Development of open space and recreational facilities, such as parks and trails, that do not include structures, fill, impervious surfaces or removal of more than five percent of the native vegetation on that portion of the property in the ~~regulatory~~ floodplain.
- ~~5. Repair to on-site septic systems provided the ground disturbance is the minimal necessary.~~
- ~~6. Alterations in response to emergencies which threaten the public health, safety and welfare or which pose an imminent risk of damage to private property consistent with the requirements of SMC 20.80.030(A).~~

C. Permit Exemptions. Activities that do not meet the definition of “development” in SMC 13.12.105 are allowed in the special flood hazard area ~~regulatory floodplain~~ and do not require a floodplain development permit. The following are examples of activities not considered development or “constructed changes to improved or unimproved real estate”:

1. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
2. Removal of noxious weeds and replacement of nonnative vegetation with native vegetation provided no earth movement occurs;
3. Removal of hazard trees consistent with the requirements of SMC 20.50.310(A)(1) or SMC 20.80.030(HF);
4. Normal maintenance of structures, such as reroofing and replacing siding, provided such work does not qualify as a substantial improvement;
5. Normal maintenance of above-ground utilities and facilities, such as replacing downed power lines and utility poles;
6. Normal street and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, but not including expansion of paved areas;
7. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility are allowed in the special flood hazard area ~~regulatory floodplain~~ without need for a floodplain development permit. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition for protection on the face or toe with rock armor;

8. Normal maintenance, operation or repair of publicly improved recreation areas as long as any such activity does not include expansion of uses and/or facilities into a previously unimproved portion of the special flood hazard area~~regulatory floodplain~~ and is consistent with the standards of Chapter 20.80 SMC, Critical Areas, best available science or adaptive management plans as recognized by the city; and

9. Site investigative work and studies necessary for preparing land use applications.

D. Floodplain Development Permit Application. Application for a floodplain development permit shall be made on forms furnished by the director and shall include all of the following that are applicable:

1. Assessment of the impact on those factors that contribute to increased flood hazard and degradation of habitat. If the assessment concludes that the project will cause an adverse effect outside the protected area, the permit will be denied unless the project impacts are mitigated (avoided, rectified or compensated).

2. A description of the extent to which a stream, lake, or other water body, including its shoreline, will be altered or relocated as a result of the proposed development.

3. Documentation that the applicant will apply for all necessary permits required by federal and state law. The application shall include written acknowledgment that the applicant understands that the final certification of use or certificate of occupancy will be issued only if the applicant provides copies of the required federal and state permits or letters stating that a permit is not required. The floodplain permit is not valid if those other permits and approvals are not obtained prior to any ground disturbing work or structural improvements.

4. Acknowledgment by the applicant that representatives of any federal or state unit of government with regulatory authority over the project are authorized to enter upon the property to inspect the development.

5. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator;

6. Elevation in relation to mean sea level to which any structure has been flood proofed;

7. Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet required flood proofing standards;

8. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;

9. Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate;

10. Where a structure is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation;

11. Site plan(s), meeting city criteria and showing:

a. The nature, location, dimensions, and elevations of the property in question;

b. Names and location of all lakes, water bodies, waterways and drainage facilities within 300 feet of the site;

- c. The elevations of the 10-, 50-, 100-, and 500-year floods, where the data are available. Elevation datum shall be the North America Vertical Datum of 1988 (NAVD 1988) with conversions provided as needed;
- d. The boundaries of the ~~regulatory~~ floodplain, SFHA, floodway, riparian habitat zone, and channel migration area, delineated in accordance with SMC 13.12.300;
- e. The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities and roads;
- f. Existing and proposed structures, fill, pavement and other impervious surfaces, and sites for storage of materials;
- g. All wetlands and the required buffers;
- h. The riparian habitat zone for all development proposals within 300 feet of any stream or shoreline;
- i. Designated fish and wildlife habitat conservation areas, and habitat areas identified for conservation or protection under state, federal or local laws or regulations, for example the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Growth Management Act, Shorelines Management Act, or Priority Habitat and Species List;
- j. Existing native vegetation and proposed revegetation.

~~6~~12. If the proposed project involves grading, excavation, or filling, the site plan shall include proposed post-development terrain at one-foot contour intervals within the SFHA;:-

~~7~~13. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged structure that will be elevated, the application shall include the flood protection elevation for the building site and the proposed elevations of the following:

- a. The top of bottom floor, including basement, crawl space, or enclosure floor;
- b. The top of the next higher floor;
- c. The bottom of the lowest horizontal structural member (in V zones only);
- d. The top of the slab of an attached garage;
- e. The lowest elevation of machinery or equipment servicing the structure;
- f. The lowest adjacent (finished) grade next to structure;
- g. The highest adjacent (finished) grade next to structure;
- h. The lowest adjacent grade at the lowest elevation of a deck or stairs, including structural support.

~~8~~14. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged nonresidential structure that will be dry floodproofed, the application shall include the FPE for the building site and the elevation in relation to the datum of the effective FIRM to which the structure will be dry floodproofed, along with a certification by a registered professional

engineer or licensed architect that the dry floodproofing methods meet the appropriate floodproofing criteria in SMC 13.12.505 and 13.12.510~~(B)~~:-

915. The proposed project must be designed and located so that new structural flood protection is not needed:- and

16. Any other such information that may be reasonably required by the director in order to review the application.

E. Certificate of Occupancy.

1. The building official shall not issue a certificate of occupancy or final building permit for a new or substantially improved structure or an addition until:

- a. The permittee provides a properly completed elevation or floodproofing certificate showing finished construction data as required by SMC 13.12.800(A);
- b. All work identified in a mitigation plan required by SMC 13.12.600(F) and (G) has been completed according to the plan's schedule;
- c. The permittee provides copies of all required federal, state, and local permits noted in the permit application per subsection (D)(3) of this section;
- d. All other provisions of this chapter have been met.

2. The director may accept a financial guarantee, in an amount determined by the director, to ensure completion of portions of the project following issuance of the certification of use or certificate of occupancy.

13.12.800 Administration.

A. Records. The director shall retain the following records:

1. All records pertaining to the provisions of this chapter.
2. Where base flood elevation data have been obtained pursuant to SMC 13.12.300(~~CB~~) and (~~ED~~), the director shall obtain, record, and maintain the actual "finished construction" elevations for the locations listed in SMC 13.12.700(D)(~~713~~). This information shall be recorded on a current FEMA elevation certificate (FEMA Form 81-31), signed, and sealed by a professional land surveyor, currently licensed in the state of Washington.
3. For all new or substantially improved dry floodproofed nonresidential structures, where base flood elevation data have been obtained pursuant to SMC 13.12.300(~~CB~~) and (~~ED~~), the director shall obtain, record and maintain the elevation (in relation to the datum of the effective FIRM) to which the structure was floodproofed. This information shall be recorded on a current FEMA floodproofing certificate (FEMA Form 81-65), by a professional engineer, currently licensed in the state of Washington.

B. Appeals. Any requirement, decision, or determination made by the director in the enforcement or administration of this chapter is appealable according to the procedures described in SMC 20.30.200 through 20.30.270.

C. Floodplain Variance.

1. Each floodplain variance pertains to a physical piece of property. The variance is not personal in nature and is not based on the inhabitants or their health, economic, or financial circumstances.
2. The director shall review and issue variances from the requirements of this chapter.
3. Upon consideration of the following criteria and the purposes of this chapter, the director may attach such conditions to the granting of the floodplain variance as deemed necessary to further the purposes of this chapter.
4. Criteria.
 - a. No floodplain variance shall be granted to the requirements of this chapter unless the applicant demonstrates that upon a showing of good and sufficient cause:
 - i. The development project cannot be located outside the ~~regulatory floodplain~~ SFHA;
 - ii. An exceptional hardship would result if the variance were not granted;
 - iii. The relief requested is the minimum necessary;
 - iv. The applicant's circumstances are unique and do not represent a problem faced by other area properties;
 - v. If the project is within a designated floodway, no increase in flood levels during the base flood discharge would result;
 - vi. The project will not adversely affect features or quality of habitat supporting local, state or federally protected fish or wildlife;
 - vii. There will be no additional threat to public health, safety, beneficial stream or water uses and functions, or creation of a nuisance;
 - viii. There will be no additional public expense for flood protection, lost environmental functions, rescue or relief operations, policing, or repairs to streambeds, shorelines, banks, roads, utilities, or other public facilities; and
 - ix. All requirements of other permitting agencies will still be met, including the ESA.
 - b. In reviewing applications for a floodplain variance, the director shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - i. The danger to life and property due to flooding or erosion damage;
 - ii. The danger that materials may be swept onto other lands to the injury of others;
 - iii. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - iv. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - v. The susceptibility of the proposed facility and its contents to flood or erosion damage and the effect of such damage on the individual owner;

- vi. The availability of alternative locations for the proposed use which are not subject to flooding or channel migration and are not in designated fish and wildlife habitat conservation areas;
 - vii. The relationship of the proposed use to the comprehensive plan, growth management regulations, critical area regulations, the shoreline management program, and floodplain management program for that area;
 - viii. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
 - ix. The potential of the proposed development project to destroy or adversely affect a fish and wildlife habitat conservation area or create an adverse effect to federal, state or locally protected species or habitat; and
 - x. The potential of the proposed development project to affect, or be affected by, channel migration.
- c. A floodplain variance requested in connection with restoration of an historic site, building, or structure may be granted using the following criteria:
- i. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the site, building or structure; and
 - ii. The repair or rehabilitation will not result in the site, building, or structure losing its historic designation.
- d. A floodplain variance may be requested for new construction, substantial improvements, and other development necessary for the conduct of functionally dependent uses provided:
- i. There is good and sufficient cause for providing relief;
 - ii. The variance does not cause a rise in the 100-year flood level within the regulatory floodway;
- e. A floodplain variance to the provisions of SMC 13.12.500 through 13.12.510 may be issued for a structure on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the FPE, providing the other variance criteria are met. The applicant for such a variance shall be notified, in writing, that the structure (i) will be subject to increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (ii) such construction below the FPE increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

D. Violations. Any activity or action caused or permitted to exist in violation of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance. Such violations are subject to enforcement under SMC 20.30.720 through 20.30.790. No development shall be undertaken or placed in the areas regulated by this chapter without full compliance with the terms of this chapter and other applicable regulations of the city of Shoreline.

E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- 1. Considered as minimum requirements;

2. Liberally construed in favor of the city; and
3. Deemed neither to limit nor to repeal any other powers granted under state statutes.

F. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, codes, or ordinances. However, where this chapter and another code, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

G. Warning and Disclaimer of Liability. The degree of property and habitat protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods and movement of channels outside of mapped channel migration areas can and will occur on rare occasions. Flood heights may be increased by nonnatural or natural causes. This chapter does not imply that land outside the regulated areas or development permitted within such areas will be free from flood or erosion damage. This chapter shall not create liability on the part of city of Shoreline or any officer or employee thereof for any damage to property or habitat that results from reliance on this chapter or any administrative decision lawfully made hereunder.

H. Severability. The provisions and sections of this chapter shall be deemed separable and the invalidity of any portion of this chapter shall not affect the validity of the remainder.



TO: Honorable Members of the Shoreline City Council

FROM: Laura Mork, Chair
Shoreline Planning Commission

DATE: June 5, 2020

RE: Floodplain Management regulations, chapter 13.12 SMC

The Shoreline Planning Commission has completed its review of the proposed amendments to the City's Floodplain Management regulations set forth in chapter 13.12 SMC. The Planning Commission held one (1) study session on the proposed amendments and a public hearing on June 4, 2020.

The proposed amendments are needed to adopt new Flood Insurance Rate Maps issued by the Federal Emergency Management Agency and for the City's continued participation in the National Flood Insurance Program, thereby allowing property owners to purchase flood insurance. The proposed amendments incorporate the latest standards to protect against damages from a flood event and provide for an equitable balance between the property owner's rights and the public interest.

In consideration of the Planning Staff's recommendations and written and oral public testimony, the Planning Commission respectfully recommends that the City Council adopt the proposed amendments, as recommended by the Planning Staff as set forth in the attachment to this recommendation.