

1 May 24, 1978

Introduced by: Bernice Stern
Proposed Ordinance: 77-832

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3
4 ORDINANCE NO. 3718

5 AN ORDINANCE relating to Flood Hazard; refining
6 the definition of flood hazard area; giving
7 authority to define the limits of the floodway
8 and floodway fringe portion of the floodplain;
9 providing for appeal of the decision of the
10 Department of Public Works to the Zoning and
11 Subdivision Examiner, Amending Ordinance 1528,
12 Section 1; Ordinance 1527, Section 9; Ordinance
13 2985, Section 13 and KCC 21.04.312, KCC 21.54.
14 090 and adding new section to KCC 21.54.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 SECTION 1. Ordinance 1528, Section 1 and KCC 21.04.312 are
17 amended to read as follows:

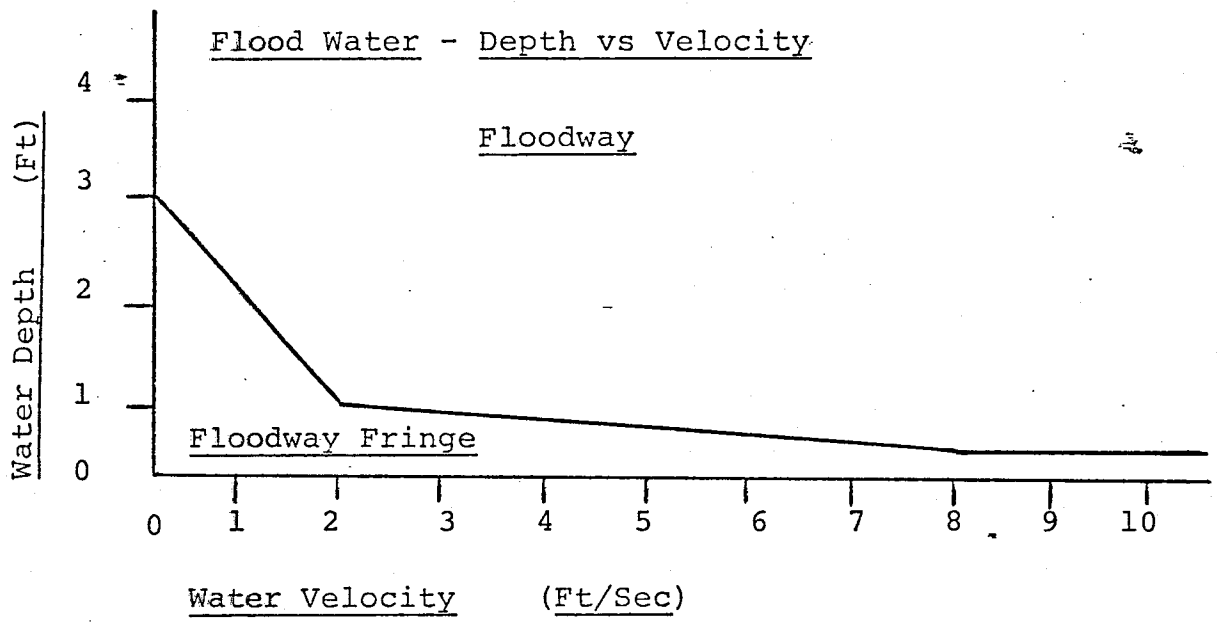
18 Flood Hazard Area. "Flood hazard area" means the area within
19 the flood plain and any adjacent land which has been encompassed
20 by the boundary delineation of the zoning map. Copies of the maps
21 shall be maintained for inspection by the public in the Building
22 and Land Development Division. The use of a "flood hazard area"
23 recognizes that a flood plain boundary cannot in all cases be
24 precisely or permanently defined. A "flood hazard area" consists
25 of the following components defined as follows:

26 Flood plain. "Flood plain" means that portion of a river or
27 stream ~~((valley))~~ channel and adjacent lands which ~~((is))~~ are
28 subject to an "Intermediate Regional Flood" ~~((as defined in federal~~
29 ~~programs))~~. (A flood with a one percent chance of being exceeded
30 ~~((each))~~ in any given year, also referred to as the "100-year
31 flood).

27 Floodway. "Floodway" means the regular channel plus that
28 portion of the flood plain which has been defined as flood way and
29 delineated on maps by any qualified person or agency described in
30 Section 2 of this Ordinance. In absence of such maps, floodway
31 means the regular channel plus that portion of the flood plain which

1 would contain deep or fast-flowing water during an intermediate
2 regional flood, and is required to carry and discharge the flood
3 waters:

4 Deep and/or fast flowing means any combination of depth and/
5 or velocity of water that would undermine pedestrian movement or
6 stability as represented quantitatively by the following graph:



16 Water Velocity (Ft/Sec)
17 Floodway fringe. "Floodway fringe" means that portion of a
18 flood plain which ((would be inundated by the same flood,-but))
19 is not floodway, except that, that portion of the flood plain
20 which may normally be classified as floodway fringe but which is
21 surrounded on all sides by floodway shall be considered floodway
22 unless public and/or private vehicular roadway access through the
23 surrounding floodway can be provided at an elevation at or above
24 the 100-year flood and such access does not:

- 25 (1) Reduce the floodway storage capacity, nor
- 26 (2) Adversely affect the conveyance of flood waters.

27 (This area would not be exposed to the hazard of deep or fast
28 flowing water and would be required only for temporary storage
29 capacity).

30 Flood-free area. "Flood-free area" means that portion of the
31 flood hazard area which is not flood plain.

1 NEW SECTION. SECTION 2. There is added to KCC 21.54 a new
2 section to read as follows:

3 Authority. King County, through the Hydraulics Division
4 shall consider and interpret information produced by the Army Corps
5 of Engineers, Soil Conservation Service, Department of Housing and
6 Urban Development or any other qualified person or agency to
7 determine the location of flood plains, floodways or floodway
8 fringes. Whenever a hydraulics report is furnished to King County
9 by an applicant, the County shall consider such report in acting
10 upon the requested permit.

11 SECTION 3. Ordinance 1527, Section 9, Ordinance 2985,
12 Section 13, and KCC 21.54.090 are amended to read as follows:

13 a. The decision of the Department of Public Works to approve
14 or disapprove a permit or license in a Flood Hazard area may be
15 appealed to the ((Board of Appeals)) Zoning and Subdivision
16 Examiner.

17 b. The requested permit or license shall not be issued by a
18 County Department during the appeal period.

19 c. The following procedures apply to appeals of the decision
20 of the Department of Public Works to approve or deny proposals
21 within a Flood Hazard Area:

22 (1) Written notice of appeal shall be filed with the
23 Department of Public Works within ten days from the date of the
24 decision which aggrieves the appealing party.

25 (2) All notices of appeal shall state in full the
26 decision appealed and the reasons why the appealed decision should
27 be reversed or modified.

28 (3) All appeals so filed shall be heard by the Zoning
29 and Subdivision Examiner, and a determination by the examiner made
30 within thirty days from the closing date of the hearing.

31 (4) At least seven days before the appeal hearing, the

1 Department of Public Works will provide the examiner, the appellant, and any
2 other person expressing written interest in the application or appeal a copy of
3 the decision which is being appealed.

4 (5) The Examiner shall prepare a written report and decision containing
5 findings and conclusions which show how his decision implements the purposes of
6 this chapter and is consistent with the criteria, standards, and limitations of
7 this chapter.

8 (6) The decision of the Examiner shall be final and conclusive unless, with-
9 in twenty days from the date of mailing of the Examiner's decision, an aggrieved
10 party obtains a writ of certiorari from King County Superior Court for the
11 purpose of review of the action taken.

12 SECTION 4. Ordinance 2985, Section 12, Ordinance 1527, Section 8, and
13 KCC 21.54.080 are amended to read as follows:

14 County permits or licenses which relate to the development and use of land
15 within a flood hazard area shall be referred to the Department of Public Works
16 by the issuing department or agency for approval. If it can be determined from
17 information at hand that the property lies in that portion of the flood hazard
18 area that is non-floodplain land, the department may approve the permit or
19 license directly. If it appears that the property may lie in the floodway or
20 floodway fringe, the Department of Public Works may require its owner to
21 submit ((additional)) information ((7-including a description of the property,
22 the intended use, and construction plans as needed to apply the administrative
23 guidelines-)) necessary to determine if in fact the property lies within the
24 floodway or floodway fringe, provided that the Department of Public Works shall
25 be required to develop said information for properties of five acres or less.

26 If it is determined that the property lies within the floodway or floodway
27 fringe, ((7)) the applicant may be ((further)) required by the Department of
28 Public Works to submit such surveys, plans and supporting documents as are
29 necessary to determine the applicability of county guidelines to the proposed
30 structure development or use. The Department of Public Works shall consider
31 not

1 only the individual structure, development or use, but shall also
2 consider it in combination with existing and future similar
3 structures, developments and uses. Whenever a hydraulics report
4 is furnished to King County by an applicant, the County shall
5 consider such report in acting upon the requested permit.

6 The Director of the Department of Public Works, shall within
7 a reasonable time, indicate his approval or disapproval of the
8 requested permit or license; and if approved, the conditions of
9 approval, in a letter to the issuing department or agency, with
10 copies to the applicant, commenting county department or agencies,
11 and other known parties of interest.

12 INTRODUCED AND READ for the first time this 12th day of
13 September, 1977.

14 PASSED this 3rd day of May, 1978.

16 KING COUNTY COUNCIL
17 KING COUNTY, WASHINGTON

18 Burned Steen
19 Chairman

21 ATTEST:

22 [Signature]
23
24 Clerk of the Council

25
26 APPROVED this _____ day of _____, 1978.

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30 King County Executive
DEEMED ENACTED WITHOUT
COUNTY EXECUTIVE'S SIGNATURE
31 DATED: June 9, 1978
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