



# King County

## Department of Local Services – Permitting Division

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### State Environmental Policy Act (SEPA)

### Non-Project Action

### Determination of Non-Significance (DNS)

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**Name of Proposal:** Proposed Ordinance 2020-0045 – Floodplain Regulations Update

**Description of Proposal:** This is a non-project action identified in Proposed Ordinance 2020-0045 related to updates to King County’s floodplain development regulations to meet the federal and state minimum standards. The proposed ordinance would update floodplain development regulations in King County Code Title 21A to be consistent with federal regulations in 44 Code of Federal Regulations (CFR) Section 60.3 and state regulations in Revised Code of Washington 86.16.041. Under federal law, the County is already required to enforce to the higher federal standard even if the provisions are not adopted in the County Code and these changes therefore ensures that the Code language is consistent with the County practices. The updates also clarify inconsistencies, provide technical changes, and provide administrative changes. The ordinance includes the following regulatory changes:

- New and revised regulations for agricultural and accessory buildings;
- Prohibiting new water wells in the FEMA floodway;
- Removing a noncompliant exemption from compensatory storage requirements;
- Updating definitions to match those in 44 CFR 59.1;
- New variance criteria for floodplain development; and
- Clarifying language to help permit applicants better understand the code requirements.

Amendments to the Proposed Ordinance are being considered by the Council. The amendments will consider the following changes:

- Removal of elevation and dry floodproofing exception for agricultural buildings;
- Addition of a new floodplain variance process for agricultural buildings;
- Establishment of variances to floodplain development regulations as Type 2 land use decisions and agricultural building variances as Type 1 land use decisions;
- Requirement that lots less than one-half acre to meet floodplain variance criteria in order to receive a floodplain variance;
- Clarification that zoning variances and critical area alteration exceptions may not be used for variances/exceptions to the floodplain code;

- Consistent use of terminology and clarification of definitions;
- Changes requested by FEMA after transmittal of the ordinance;
- Requirement that new farm pads locate as far away from property lines as possible, as long as all other requirements were also met; and
- Technical and clarifying changes to match executive intent and/or existing practice.

Additional information about the proposal can be found here:  
<https://www.kingcounty.gov/depts/local-services/permits/public-notices.aspx>

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**Location of Proposal:** The update to King County's floodplain development regulations will impact numerous areas across the unincorporated area that are impacted by flooding, including coastal flooding.

**Lead Agency:** King County Department of Local Services – Permitting Division

**Responsible Official:** Ivan Miller  
**Position/Title:** SEPA Responsible Official for Comprehensive Planning

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Snoqualmie, WA 98065-9266  
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### **Threshold Determination**

The responsible official finds that the above-described proposal does not pose a probable significant adverse impact to the environment. This finding is made pursuant to RCW 43.21C, KCC 20.44 and WAC 197-11, after reviewing the environmental checklist and other information on file with the lead agency, considering the extent to which the proposed action will cause adverse environmental effects in excess of those created by existing regulations, and considering mitigation measures which the agency or the proponent will implement as part of the proposal. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal and conclude the proposed action will not have a significant impact to current or continued use of the environment. THIS INFORMATION IS AVAILABLE TO THE PUBLIC ON REQUEST (for a nominal copying fee or by email).

THIS DETERMINATION OF NON-SIGNIFICANCE (DNS) is issued under Washington Administrative Code (WAC) 197-11-340(2). The lead agency will not act on this proposal until after **July 6, 2020**. Comments must be received by King County Department of Local Services – Permitting Division prior to **4:00 PM** on that date.

For additional information, please contact the proponent's contact or the responsible official listed above.

**Address for comments:** King County Department of Local Services – Permitting Division)  
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ATTN: Ivan Miller 206-263-8297  
E-mail: [ivan.miller@kingcounty.gov](mailto:ivan.miller@kingcounty.gov)

**Public Hearing:** A public hearing on proposed Ordinance No. 2020-0045 is scheduled before the Metropolitan King County Council on the **7th day of July, 2020 at 1:00 p.m.** The public hearing is planned to either be held at the King County Courthouse, 516 3rd Avenue, Room 1001, Seattle, Washington; or the hearing may be required to be held remotely to comply with the Washington State Governor's Declaration 20-28, as amended, regarding the Open Public Meetings Act.. Information on the public hearing and how to submit public comment can be found at this website:  
[https://www.kingcounty.gov/council/committees/full\\_council.aspx](https://www.kingcounty.gov/council/committees/full_council.aspx).



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Signature

June 1, 2020

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Date