



## King County

### Water and Land Resources Division

Department of Natural Resources and Parks

King Street Center  
201 South Jackson Street, Suite 600  
Seattle, WA 98104-3855

**206.296.6519** Fax 206.296.0192  
TTY Relay: 711

May 15, 2009

Growth Management Services  
Department of Community, Trade and Economic Development  
PO Box 42525  
906 Columbia St. SW  
Olympia, WA 98504-8350

Attn: Review Team:

In accordance with the RCW 36.70A.106 King County notifies Department of Community, Trade and Economic Development of the intent to adopt amendments to its critical areas ordinance.

Public Testimony will be taken on this item until June 8, 2009. A public hearing has not been scheduled but will be held by the Metropolitan King County Council prior to action on this legislation.

We are providing you an electronic copy of the proposed amendment regarding compliance with the National Flood Insurance Program. The Washington State Department of Ecology, acting on behalf of the Federal Emergency Management Agency (FEMA), conducted a Community Assistance Visit (CAV) in January 2009 and found deficiencies relating to performance standards for the AO (shallow flooding) flood zone. In addition, King County flood regulations allow a professional engineer to prepare a FEMA Elevation Certificate but should only allow a Professional Land Surveyor to prepare Elevation Certificates. The amendments contained in the draft ordinance are summarized as follows:

**Section 1, lines 59-60** – this would allow King County to exclude the costs to elevate a residential structure when determining if the project is considered a substantial improvement. This section may be dropped based on a pending decision from the FEMA Headquarters.

**Section 2, lines 99-100** – this change would allow King County to use whatever data accurately classifies and delineates flood hazard areas or base flood elevations. This is added to allow King County to utilize underlying data used in creating flood hazard maps for determining a base flood elevation for the AO (shallow flooding) flood zone. The AO flood zone does not establish a base flood elevation like other flood zones, and the data needed to establish a base flood elevation, such as the topography, is not be included in the preliminary or adopted maps or studies or any of the other sources of flood hazard data listed in this section of code.

**Section 3, lines 115-117** – this would allow fill to be placed within the foundation of an existing residential building to the level of the lowest adjacent grade without providing compensatory storage. This area below the lowest adjacent grade is considered “dead storage” so fill placed there will not have an impact on the storage capacity of the floodplain. Relief from compensatory storage will facilitate the ability to eliminate sub-grade crawl spaces, which are not allowed under King County code and which were one of the more common floodplain development violations identified through the CAV.

**Section 3, lines 291-295** – this provision related to uses not allowed during the flood season was located in the zero-rise floodway (K.C.C. 21A.24.250) but is being relocated to the zero-rise flood fringe (K.C.C. 21A.24.240) to assure the provisions apply to the AO flood zone.

**Section 4, lines 323-327** – this is the section relocated to the zero-rise flood fringe. See above.

**Section 5, line 376** – this removes the ability for a civil engineer to prepare an Elevation Certificate. The Washington State Board of Registration for Professional Engineers and Land Surveyors has determined that only Land Surveyors should be able to prepare FEMA Elevation Certificates.

**Section 5, line 381** – this change simply moves the requirement for the surveyor to identify if a structure has a basement up to subsection A of this section that specifies what the land surveyor must document.

Adoption of this legislation will bring King County flood regulations into compliance with the National Flood Insurance program. If you have any questions concerning these amendments, please call me at (206) 205-0598, or by email at [Priscilla.kaufmann@kingcounty.gov](mailto:Priscilla.kaufmann@kingcounty.gov). Thank you.

Sincerely,



Priscilla Kaufmann, CFM, Project/Program Manager  
River and Floodplain Management Section

cc: Steve Bleifuhs, Manager, River and Floodplain Management Section (RFMS), Water and Land Resources Division (WLRD), Department of Natural Resources and Parks (DNRP)  
Brian Murray, Supervisor, Policy and Planning Unit, RFMS, WLRD, DNRP