



CITY OF KIRKLAND
Department of Public Works
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Kelli Jones, Surface Water Utility Engineer
Jenny Gaus, P.E., Surface Water Engineering Supervisor
Ray Steiger, P.E., Public Works Director

Date: September 20, 2012

Subject: Adoption of Kirkland Municipal Code (KMC) updates to comply with the National Floodplain Insurance Program (NFIP)

RECOMMENDATION:

It is recommended that Council adopt the attached ordinance relating to flood damage prevention, KMC Title 21.56.095, in order to remain in compliance with the NFIP and the Federal Endangered Species Act (ESA).

BACKGROUND DISCUSSION:

On September 7th, 2012, the ordinance (O-4367) that was proposed to Council amending the KMC Title 21.56 was unanimously accepted. As mentioned in the staff memo accompanying the ordinance, the next step after Council's adoption of the ordinance was a final review from the Department of Ecology (DOE). Per RCW 86.16.041, DOE must review all amended flood damage prevention ordinances. DOE conducted their final review of the ordinance and had one minor change to remove *or architect* in the following text.

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer ~~or architect~~ is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Pending the adoption of this minor change (Attachment 1), DOE will approve the amendments to the KMC Title 21.56, and the City will remain in compliance with the NFIP and ESA.

ORDINANCE O-4376

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FLOODWAYS AND AMENDING SECTION 21.56.095 OF THE KIRKLAND MUNICIPAL CODE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 21.56.095 is hereby amended to read as follows:

21.56.095 Floodways.

Located within areas of special flood hazard established in Section 21.56.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer ~~or architect~~ is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 21.56.085 through 21.56.105.
- (3) Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure, either (A) before the repair, reconstruction or improvement 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 the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places, may be excluded in the fifty percent of market value limitation.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2012.

Signed in authentication thereof this _____ day of _____, 2012.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney