



# MANAGEMENT BRIEF

DATE: June 29, 2020

TO: Mayor Robinson and City Councilmembers

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SUBJECT: Floodplains Regulations Land Use Code Amendment

In the Study Session on June 15, Council was introduced to a recommended Land Use Code Amendment (LUCA) to conform the frequently flooded areas regulations in the Land Use Code (LUC) Part 20.25H LUC and other related LUC sections to the current federal and state regulations and standards for the National Flood Insurance Program (NFIP), and to adopt the Federal Emergency Management Agency’s (FEMA) updated countywide Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS). This recommended LUCA is necessary to be effective by August 19 for the City’s continued eligibility in the NFIP.

During the Study Session, Council raised a number of questions about the recommended LUCA and other related topics. This Management Brief provides answers to these and additional anticipated questions, and is being transmitted to assist in Council’s discussion and consideration of the LUCA at the Public Hearing scheduled on July 13.

Bellevue’s Floodplain Regulations

1. *What is a frequently flooded area?*

Frequently Flooded Areas include areas subject to a one percent or greater chance of flooding in any given year. These areas are also referred to as the 100-year floodplain (floodplain) and the Special Flood Hazard Area. Frequently Flooded Areas are identified on FEMA’s FIRMs and FIS.

2. *Who is responsible for enforcing floodplain management regulations in the City?*

Development Services is responsible for enforcing floodplain management regulations in the City. As a requirement for participation in the NFIP, local communities must enforce the adopted floodplain management regulations in order for federal flood insurance and associated disaster relief support to be available to residents and businesses.

3. *Why does Bellevue's floodplain regulations matter to FEMA and the NFIP?*

FEMA requires these proposed code changes to be adopted to conform the City's floodplain regulations to the federal and state standards. FEMA is the agency with the sole authority to (1) publish updated countywide FIRMS and FIS; and (2) update the federal and state NFIP standards.

The NFIP is a federal flood insurance program that the City has participated in since December 1, 1978 by adopting minimum standards for development in FEMA-identified floodplains. Participation in the NFIP allows any property owner in the City to purchase NFIP-backed flood insurance. The City also participates in FEMA's Community Rating System (CRS) program, which entitles residents and businesses to a 25 percent discount on NFIP-backed flood insurance. To maintain eligibility in the NFIP and CRS, FEMA requires the City to update the floodplain management regulations in the LUC to meet the current federal and state NFIP standards and adopt the updated FIRMS and FIS. Meeting this requirement by August 19 is necessary for Bellevue residents and businesses to maintain and obtain flood insurance and participate in the NFIP.

Impacted Properties

4. *How many properties in Bellevue are in a floodplain or frequently flooded area?*

As of October 2019, the FEMA Special Flood Hazard Area (i.e. floodplain or frequently flooded area) intersects approximately 980 properties along the streams and lakes in the City. The City owns 98 of these properties. The extent of floodplain on a parcel varies from a small section to most of the parcel being encumbered by floodplain. Most of the properties in a floodplain are either vacant or have existing structures located outside of the floodplain. There are approximately 135 structures in floodplains.

5. *Was notification provided by FEMA to property owners affected by the updated FIRMs and FIS?*

Yes. FEMA began the process of updating the countywide FIRMS in 2005. The preliminary maps were released in 2007; the revised maps were released in 2010; and the most recent maps were released in 2017. FEMA held open houses to provide information about the preliminary maps and for property owners to comment on the preliminary maps. Comments and appeals were accepted during FEMA's 90-day appeal period from April 17, 2018 through July 15, 2018.

6. *How many Bellevue residents and businesses have flood insurance through the NFIP?*

Washington State Department of Ecology data shows that 229 insurance policies are issued in Bellevue. There are 116 policies, or 51 percent, written for properties in the floodplain, and 113 policies, or 49 percent, written for properties outside of the floodplain.

*7. Who is eligible to obtain flood insurance through the NFIP?*

The Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 mandate the purchase of flood insurance for properties in a floodplain. Assuming the community is eligible for NFIP-backed flood insurance, any person in that community may choose to purchase flood insurance through the NFIP. In other words, as Bellevue participates in the NFIP, any Bellevue resident or business is able to purchase NFIP-backed flood insurance, whether or not their property is in a floodplain.

*8. What types of claims does flood insurance cover?*

Flood insurance policies cover physical damage to property and possessions. Additional information about what is generally covered by flood insurance may be found at <https://www.floodsmart.gov/>.

*9. Did the updated FIRMs add properties in the Special Flood Hazard Area?*

No. There is no additional properties designated to be in a floodplain by the updated FIRMs. The only area of change on the maps was a large portion of Kelsey Creek. This occurred in 2007 in a study initiated by the City, and the affected property owners were notified of the changes. The City has been using this revised floodplain as Frequently Flooded Areas since 2007. When FEMA presented their preliminary maps in 2017, which included these 2007 changes, affected property owners were again notified. FEMA has now adopted these changes for flood insurance purposes. With the revised maps for Kelsey Creek, 11 parcels were added to the floodplain (four parcels owned by the City) but 15 were removed; for a net of four parcels removed. No buildings were added to the floodplain.

*10. What happens if the City does not adopt all current state and federal NFIP standards?*

The City would be suspended from the NFIP, which would place the 229 NFIP-backed flood insurance policies in jeopardy. The City's residents and businesses would also lose their eligibility for associated federal disaster relief and support.

Effects of the Recommended LUCA

*11. Does this LUCA change FEMA's updated FIRMs and FIS?*

No. FEMA issued its Letter of Final Determination for the updated FIRMs and FIS and established an effective date of August 19, 2020. Since the maps are final, the City must adopt the updated FIRMs and FISs before the effective date of August 19 to continue its NFIP participation.

*12. How will this LUCA affect the use of existing structures on property in a frequently flooded area?*

There is no change to the use of existing structures in a floodplain. An existing structure may continue to be used on property in a frequently flooded area.

*13. Does this LUCA affect the ability to add a structure on property in a frequently flooded area?*

The current LUC already limits construction of structures in the floodplain, but does provide for exceptions to allow development only where no other feasible alternatives exist to locate the development outside of the floodplain. This recommended LUC do not change these provisions.

*14. How will this LUCA affect how a property can be redeveloped?*

This LUCA does not include any substantive changes to the requirements applicable to redevelopment occurring on property within the floodplain. Proposed redevelopment is required to meet the current performance standards requiring flood proofing. Additionally, when an existing structure within a floodplain is proposed to be modified, the City will review the proposal under the “substantial improvements” provisions. This means that if the cost of the proposed building improvements exceeds 50 percent of the existing structure's value, then the scope of improvements must be either reduced to below that 50 percent threshold, or the entire structure must be brought into compliance with the current floodplain regulations. This recommended LUCA also includes changes to the information and procedures required to demonstrate conformance with floodplains regulations.

*15. Is there a place to get more information about this LUCA?*

More information about this LUCA is available at <https://bellevuewa.gov/floodplain-regulations-update>. This webpage is updated regularly with the most current information.