

## CITY COUNCIL REGULAR SESSION

Ordinance amending the Bellevue Land Use Code to conform the frequently flooded areas regulations to current federal and state standards and to adopt the Federal Emergency Management Agency's updated countywide Flood Insurance Rate Maps and Flood Insurance Study, for the City's continued eligibility in the National Flood Insurance Program; providing for severability; and establishing an effective date.

Mike Brennan, Director, 452-4113  
Trisna Tanus, Consulting Attorney, 452-2970  
Nick Whipple, Senior Planner, 452-4578  
*Development Services Department*

## EXECUTIVE SUMMARY

On July 13, following a Public Hearing, the City Council directed staff to finalize this Ordinance for approval. This Ordinance is a Land Use Code Amendment (LUCA) updating the City's frequently flooded areas regulations in the Land Use Code (LUC) in order to conform City regulations to federal and state standards and to adopt updated Flood Insurance Rate Maps (FIRMs) and Flood Insurance Studies (FIS) transmitted by the Federal Emergency Management Agency (FEMA) to the City on February 19. FEMA requires the City to have in place conforming regulations within six months of the transmittal date, or by August 19, in order for continued eligibility in the National Flood Insurance Program (NFIP) and for Bellevue residents and businesses to obtain NFIP-backed flood insurance.

## RECOMMENDATION

Move to adopt Ordinance No. 6521

## BACKGROUND/ANALYSIS

### Background

On February 19, FEMA transmitted to the City updated countywide FIRMs and FIS. The City is required to adopt the new FIRMs and FIS, as well as conform its frequently flooded areas regulations in chapter 20.25H LUC and several related sections in the LUC to applicable federal and state standards, by August 19, 2020. Meeting this requirement is necessary to ensure the City's continued eligibility for disaster assistance and is necessary for City residents and businesses to obtain insurance and participate in the NFIP.

Staff worked closely with the Washington Department of Ecology (Ecology) to ensure that the LUCA is narrowly tailored to achieve conformance and includes only items deemed necessary by FEMA and Ecology. Attachment A is a final red-lined-strike-draft of the LUCA. Categories and components of this LUCA include:

### Necessary amendments to the definitions

Twelve new definitions are to be added to the LUC, and six definitions are to be amended in order to improve clarity. These changes are for consistency with federal standards and are required by FEMA.

#### Necessary amendments to the performance standards

The City's floodplain performance standards are intended to prevent flood damage and to prevent the actions of one property owner from increasing flood damage to their neighbors. The amendments to the performance standards aim to improve flood prevention measures, and the changes are necessary to achieve consistency with federal and state regulations.

#### Necessary amendments to the floodplain Variance process

The City requires conformance to the performance standards, except in the case of a reasonable use exception, where a development must comply with the required performance standards "to the maximum extent feasible." FEMA requires the use of "Variances" to allow modifications of the performance standards in LUC 20.25H.180 – Development in the area of special flood hazard. The LUC amendments include requiring a variance process if a proposed development in a frequently flooded area does not comply with all required performance standards and corresponding decision criteria consistent with FEMA's requirements.

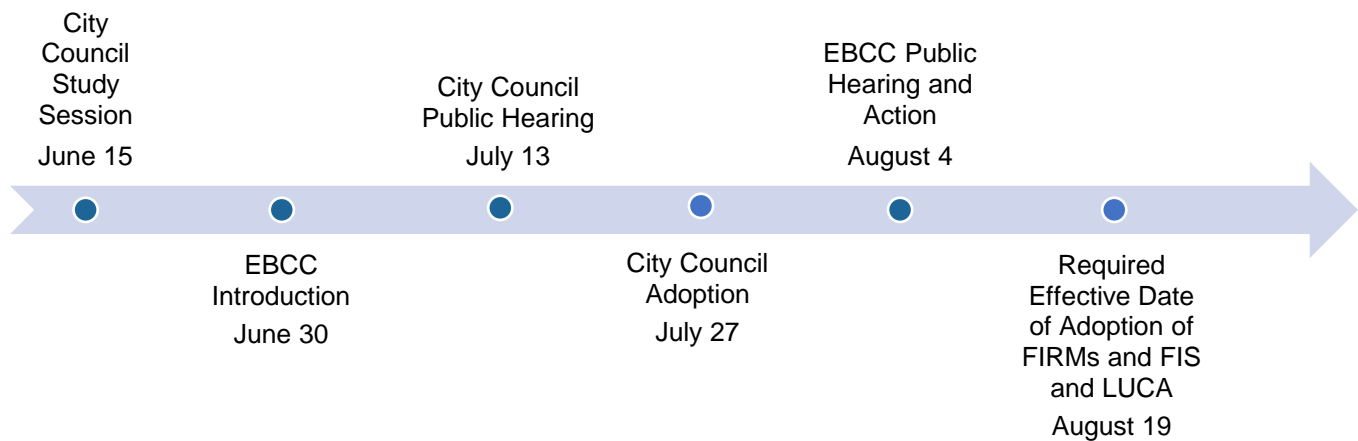
#### Necessary amendments to procedural requirements

The proposed amendments provide that the Director of Development Services must review certain application submittals and materials when evaluating and approving proposals for development within a frequently flooded area. In addition, FEMA requires the City to formally cite the applicable enforcement process and penalties sections in its frequently flooded areas code. This recommended LUCA contains new subsections in the City's Critical Areas Overlay District, Part 20.25H LUC, to clarify enforcement and penalties for violations of the City's floodplain regulations.

On June 15, the City Council began review of the recommended LUCA. During this initial discussion, Council raised several questions about the current frequently flooded areas regulations in the LUC and the proposed amendments; the number and types of properties and structures impacted by floodplains; the number of flood insurance policies in the City; the updated FIRMs and FIS; the practical effects of the recommended LUCA; and other topics. At this Study Session, Council initiated the LUCA and found that it was necessary for the Council to hold the required Public Hearing associated with these LUC amendments. Staff then prepared and transmitted a Management Brief to Council in order to assist Council's review and discussion of the LUCA, provide answers to questions raised, and address anticipated issues moving forward.

On July 13, Council held a Public Hearing on the recommended LUCA and following the Public Hearing and Council deliberation, Council directed staff to finalize an Ordinance for this LUCA for approval.

## Review Process



## POLICY & FISCAL IMPACTS

### Policy Impact

The recommended LUCA will conform the frequently flooded areas regulations in the LUC with the new FIRMs, FIS and federal and state standards by the required effective date of August 19. This timely conformance is necessary to ensure that residents and businesses in the City remain eligible in the NFIP and to ensure eligibility for the continued twenty-five percent discount in flood insurance rates as a CRS Class 5-rated community.

### Fiscal Impact

There is no fiscal impact associated with implementing this recommended LUCA.

## OPTIONS

1. Adopt the Ordinance amending the Bellevue Land Use Code to conform the frequently flooded areas regulations to current federal and state standards and to adopt the Federal Emergency Management Agency's updated countywide Flood Insurance Rate Maps and Flood Insurance Study, for the City's continued eligibility in the National Flood Insurance Program; providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

## ATTACHMENTS & AVAILABLE DOCUMENTS

- A. LUCA Final Strike-Draft  
Proposed Ordinance No. 6521

## AVAILABLE IN COUNCIL LIBRARY

N/A