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ORDINANCE NO. 2018-07-012

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF BELLINGHAM MUNICIPAL CODE (BMC) CHAPTER 17.76, CONSTRUCTION IN THE FLOODPLAINS, TO UPDATE THE CHAPTER TO MEET FEMA'S MINIMUM STANDARDS FOR A FEMA PARTICIPATING COMMUNITY.

WHEREAS, the City of Bellingham (City) is a Federal Emergency Management Administration (FEMA) participating community; and

WHEREAS, the City's floodplain development regulations are codified in Bellingham Municipal Code (BMC) Chapter 17.76; and

WHEREAS, as a FEMA, participating community, the City is required to have floodplain development regulations that meet FEMA's minimum standards in order for the City's residents to receive FEMA assistance; and

WHEREAS, on November 2016 the National Flood Insurance Program (NFIP) Coordinator from the Washington State Department of Ecology performed a Community Assistance Visit; and

WHEREAS, a February 2017 letter to the City from the NFIP Coordinator identified how BMC Chapter 17.76 needed to be amended to meet FEMA's minimum standards; and

WHEREAS, the City must amend its floodplain development regulations in BMC Chapter 17.76 to meet FEMA's minimum standards; and

WHEREAS, the City's responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act, and issued a non-project Determination of Non-Significance on March 27, 2018; and

WHEREAS, pursuant to RCW 36.70A.106, the City provided the Washington State Department of Commerce the proposed amendments on April 11, 2018; and

WHEREAS, after mailed and published notice as required by BMC 20.10.150, the City's Planning Commission held a public hearing on the amendments on March 22, 2018; and

1 **WHEREAS**, the City's Planning Commission determined that the proposed
2 amendments comply with and will implement the goals and policies of the 2016
3 Bellingham Comprehensive Plan; and
4

5 **WHEREAS**, the Planning Commission adopted Findings of Fact, Conclusions and
6 Recommendation for approval of the proposed amendments on April 19, 2018; and
7

8 **WHEREAS**, after mailed and published notice as required by BMC 21.10.150, the City
9 Council held a public hearing on the proposed amendments on June 18, 2018; and
10

11 **WHEREAS**, the City Council has considered the recommendation of the Planning
12 Commission, the staff report, and the public comment; and
13

14 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**
15

16 **Section 1.** The Planning Commission's Findings of Fact, Conclusions and
17 Recommendation attached as **Exhibit A** are adopted by the City Council.
18

19 **Section 2.** Bellingham Municipal Code Section 17.76.010 is amended as follows:
20

21 **17.76.010 Definitions.**

22 Unless specifically defined below, words or phrases used in this chapter shall be
23 interpreted so as to give them the meaning they have in common usage and to give
24 this chapter it's most reasonable application:

25 "Area of special flood hazard" means the land in the floodplain within the city subject
26 to a one percent or greater chance of flooding in any given year.

27 "Base flood" means the flood having a one percent chance of being ~~equalled~~ equaled
28 or exceeded in any given year.

29 "Basement" means any area of the building having its floor subgrade (below ground)
30 on all sides.

31 "Development" means any manmade change to improved or unimproved real estate,
32 including but not limited to buildings or other structures, mining, dredging, filling,
33 paving, excavation or drilling operations, or storage of equipment or materials located
34 within the area of special flood hazard.

35 "Flood" or "flooding" means a general and temporary condition of partial or complete
36 inundation of normally dry land areas from:

37 A. The overflow of inland or tidal waters; and/or

38 B. The unusual and rapid accumulation or run-off of surface waters from any source.

1 "Flood Hazard Boundary Map (FHBM)" means the official map issued by the Federal
2 Insurance Administration where the areas of special flood hazard have been
3 designated Zone A.

4 "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal
5 Insurance Administration has delineated both the areas of special flood hazards and
6 the risk premium zones applicable to the community.

7 "Flood Insurance Study (FIS)" means the official report provided by the Federal
8 Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps,
9 and the water surface elevation of the base flood.

10 "Floodway" means the channel of a river or other watercourse and the adjacent land
11 areas that must be reserved in order to discharge the base flood without cumulatively
12 increasing the water surface elevation more than one foot.

13 "Lowest floor" means the lowest floor of the lowest enclosed area (including
14 basement). An unfurnished or flood-resistant enclosure, usable solely for parking of
15 vehicles, building access or storage, in an area other than a basement area, is not
16 considered a building's lowest floor; provided, that such enclosure is not built so as to
17 render the structure in violation of the applicable non-elevation design requirements
18 of BMC 17.76.180(B).

19 "Manufactured home" means a structure that is transportable in one or more sections,
20 upon the public streets or highways on its own running gear, which when erected on
21 site, is designed to be connected to required utilities and utilized as a dwelling, and
22 which exceeds 32 feet in length and eight feet in width. It does not include
23 recreational vehicles or travel trailers.

24 "Recreational vehicle" means a vehicle that is:

25 A. Built on a single chassis;

26 B. Four hundred thousand square feet or less when measured at the largest
27 horizontal projection;

28 C. Designed to be self-propelled or permanently towable by a light duty truck; and

29 D. Designed primarily not for use as a permanent dwelling but as temporary living
30 quarters for recreational, camping, travel, or seasonal use.

31 "Start of construction" includes substantial improvement, and means the date the
32 building permit was issued, provided the actual start of construction, repair,
33 reconstruction, placement or other improvement was within 180 days of the permit
34 date. The actual start means either the first placement of permanent construction of a
35 structure on a site, such as the pouring of slab or footings, the installation of piles, the
36 construction of columns, or any work beyond the stage of excavation; or the
37 placement of a manufactured home on a foundation. Permanent construction does
38 not include land preparation, such as clearing, grading and filling; nor does it include
39 the installation of streets and/or walkways; nor does it include excavation for a

1 basement, footings, piers, or foundations or the erection of temporary forms; nor does
2 it include the installation on the property of accessory buildings, such as garages or
3 sheds not occupied as dwelling units or not part of the main structure. For a
4 substantial improvement, the actual start of construction means the first alteration of
5 any wall, ceiling, floor, or other structural part of a building, whether or not that
6 alteration affects the external dimensions of the building.

7 "Structure" means a walled and roofed building, a manufactured home, or a gas or
8 liquid storage tank that is principally above ground.

9 "Substantial damage" means damage of any origin sustained by a structure whereby
10 the cost of restoring the structure to it's before damaged condition would equal or
11 exceed 50 percent of the market value of the structure before the damage occurred.

12 "Substantial improvement" means any repair, reconstruction or improvement of a
13 structure, the cost of which equals or exceeds 50 percent of the market value of the
14 structure either:

15 A. Before the improvement or repair is started; or

16 B. If the structure has been damaged and is being restored, before the damage
17 occurred. For the purposes of this definition, substantial improvement is considered
18 to occur when the first alteration of any wall, ceiling, floor, or other structural part of
19 the building commences, whether or not that alteration affects the external
20 dimensions of the structure. The term does not, however, include either:

21 1. Any project for improvement of a structure to correct pre-cited existing
22 violations of state or local health, sanitary, or safety code specifications which
23 have been previously identified by the local code enforcement official and which
24 are the minimum necessary to assure safe living conditions;~~Any project for~~
25 ~~improvement of a structure to comply with existing state or local health, sanitary,~~
26 ~~or safety code specifications which are solely necessary to assure safe living~~
27 ~~conditions; or~~

28 2. Any alteration of a structure listed on the National Register of Historic Places.

29
30 **Section 3.** Bellingham Municipal Code Section 17.36.030 is amended as follows:

31
32 **17.76.030 Basis for establishing the areas of special flood hazard.**

33
34 ~~The areas of special flood hazards identified by the Federal Emergency Management~~
35 ~~Agency (FEMA) in its Flood Insurance Study dated March 2, 1982, and Flood~~
36 ~~Insurance Rate Maps (FIRM) dated September 2, 1982, are adopted by reference and~~
37 ~~declared to be a part of this chapter. An updated version of the existing Flood Insurance~~
38 ~~Rate Maps (FIRM) and Flood Insurance Study are adopted by reference and declared~~
39 ~~to be a part of this chapter with an effective date of January 16, 2004. Federal~~
40 ~~Insurance Administration in a scientific and engineering report entitled "The Flood~~
41 ~~Insurance Study for Whatcom County (All Jurisdictions)" dated January 16, 2004, and~~

1 any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and
2 any revisions thereto, are hereby adopted by reference and declared to be a part of
3 this ordinance. The Flood Insurance Study and the FIRM are on file at the City of
4 Bellingham Public Works Department Permit Center, 210 Lottie Street, Bellingham, WA
5 98225. The best available information for flood hazard area identification as outlined in
6 BMC 17.76.100.B shall be the basis for regulation until a new FIRM is issued that
7 incorporates data utilized under BMC 17.76.100.B.

8
9 **Section 4.** Bellingham Municipal Code Section 17.76.100 is amended as follows:

10
11 **17.76.100 Duties and responsibilities of the public works director.**

12
13 Duties of the public works director shall include, but not be limited to:

14 **A. Permit Review.**

15 1. through 3. [No change.]

16 4. Where elevation data is not available either through the Flood Insurance Study,
17 FIRM, or from another authoritative source, applications for building permits shall
18 be reviewed to assure that proposed construction will be reasonably safe from
19 flooding. The test of reasonableness is a local judgment and includes use of
20 historical data, high water marks, photographs of past flooding, etc., where
21 available. Failure to elevate at least two feet above the highest adjacent grade in
22 these zones may result in higher insurance rates.

23 **B. Use of Other Base Flood Data.** When base flood elevation data has not been
24 provided (in A or V Zones) in accordance with BMC 17.76.030, the public works
25 director shall obtain, review and reasonably utilize any base flood elevation data and
26 floodway data available from a federal, state or other source, in order to administer
27 BMC 17.76.170 through 17.76.210.

28 **C. through E.** [No change.]

29
30 **Section 5.** A new Bellingham Municipal Code Section 17.76.115 is added as follows:

31
32 **17.76.115 Essential Public Facility**

33 Construction of new critical facilities shall be, to the extent possible, located outside
34 the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction
35 of new critical facilities shall be permissible within the SFHA if no feasible alternative
36 site is available. Critical facilities constructed within the SFHA shall have the lowest
37 floor elevated three feet above based flood elevation or to the height of the 500-year
38 flood, whichever is higher. Access to and from the critical facility should also be
39 protected to the height utilized above. Floodproofing and sealing measures must be
40 taken to ensure that toxic substance will not be disposable by or released into
41 floodwaters. Access routes elevated to or above the level of the base flood elevation

1 shall be provided to all critical facilities to the extent possible. Essential Public Facilities
2 are defined in BMC 20.08.

3
4 **Section 6.** Bellingham Municipal Code Section 17.76.140 is amended as follows:

5
6 **17.76.140 Utilities.**

7
8 A. through C. [No change.]

9
10 D. Water wells shall be located on high ground that is not in the floodway.

11
12 **Section 7.** Bellingham Municipal Code Section 17.76.170 is amended as follows:

13
14 **17.76.170 Specific standards.**

15 A. In all areas of special flood hazards where base flood elevation data has been
16 provided as set forth in BMC 17.76.030 or 17.76.100(B), the standards set out in
17 BMC 17.76.180 through 17.76.210 are required.

18
19 B. In areas with base flood elevations (but a regulatory floodway has not been
20 designated), no new construction, substantial improvements, or other development
21 (including fill) shall be permitted within Zones A1-30 and AE on the community's
22 FIRM, unless it is demonstrated that the cumulative effect of the proposed
23 development, when combined with all other existing and anticipated development, will
24 not increase the water surface elevation of the base flood more than one foot at any
25 point within the community.

26
27 **Section 8.** A new Bellingham Municipal Code Section 17.76.205 is added as follows:

28
29 **17.76.205 Standards for shallow flooding areas (AO Zones)**

30
31 Shallow flooding areas appear on FIRMs as AO Zones with depth designations. The
32 base flood depths in these zones range from 1 to 3 feet above ground where a clearly
33 defined channel does not exist, or where the path of flooding is unpredictable and
34 where velocity flow may be evident. Such flooding is usually characterized as sheet
35 flow. In these areas, the following provisions apply:

36 A. New construction and substantial improvements of residential structures and
37 manufactured homes within AO Zones shall have the lowest floor (including
38 basement) elevated above the highest adjacent grade to the structure, one foot or
39 more above the depth number specified in feet on the community's FIRM (at least
40 two feet above the highest adjacent grade to the structure if no depth number is
41 specified).

1 B. New construction and substantial improvements of nonresidential structures within
2 AO Zones shall either:

- 3 1. Have the lowest floor (including basement) elevated above the highest
4 adjacent grade of the building site, one foot or more above the depth number
5 specified on the FIRM (at least two feet if no depth number is specified); or
6 2. Together with attendant utility and sanitary facilities, be completely flood
7 proofed to or above that level so that any space below that level is watertight
8 with walls substantially impermeable to the passage of water and with
9 structural components having the capability of resisting hydrostatic and
10 hydrodynamic loads and effects of buoyancy. If this method is used,
11 compliance shall be certified by a registered professional engineer, or
12 architect as in BMC 17.76.190.A.4.

13 C. Require adequate drainage paths around structures on slopes to guide
14 floodwaters around and away from proposed structures.

15 D. Recreational vehicles placed on sites within AO Zones on the community's FIRM
16 either:

- 17 1. Be on the site for fewer than 180 consecutive days, or
18 2. Be fully licensed and ready for highway use, on its wheels or jacking system,
19 is attached to the site only by quick disconnect type utilities and security
20 devices, and has no permanently attached additions; or
21 1-3. Meet the requirements of Items A and C above and the anchoring
22 requirements of manufactured homes (BMC 17.76.120.B).

23
24 **Section 9.** Bellingham Municipal Code Section 17.76.210 is amended as follows:
25

26 **17.76.210 Floodways.**

27 Located within areas of special flood hazard established in BMC 17.76.030 are areas
28 designated as floodways. Since the floodway is an extremely hazardous area due to
29 the velocity of floodwaters which carry debris, potential projectiles, and erosion
30 potential, the following provisions apply:

31 A. Encroachments are prohibited, including fill, new construction, substantial
32 improvements, and other development unless certification by a registered
33 professional engineer ~~or architect~~ is provided demonstrating through hydrologic
34 and hydraulic analyses performed in accordance with standard engineering
35 practice that encroachments shall not result in any increase in flood levels during
36 the occurrence of the base flood discharge.

37
38 B. through D. [No change.]
39

40 **Section 10.** A new Bellingham Municipal Code Section 17.76.215 is added as follows:
41

42 **17.76.215 Coastal high hazard areas**

1 Located within areas of special flood hazard established in BMC 17.76.030 are
2 Coastal High Hazard Areas, designated as Zones V1-30, VE and/or V. These areas
3 have special flood hazards associated with high velocity waters from surges and,
4 therefore, in addition to meeting all provisions in this ordinance, the following
5 provisions shall also apply:

6 A. All new construction and substantial improvements in Zones V1-30 and VE (V if
7 base flood elevation data is available) on the community's FIRM shall be elevated
8 on pilings and columns so that:

9 1. The bottom of the lowest horizontal structural member of the lowest floor
10 (excluding the pilings or columns) is elevated one foot or more above the
11 base flood level; and

12 2. The pile or column foundation and structure attached thereto is anchored to
13 resist flotation, collapse and lateral movement due to the effects of wind and
14 water loads acting simultaneously on all building components. Wind and
15 water loading values shall each have a one percent chance of being equaled
16 or exceeded in any given year (100-year mean recurrence interval).

17 A registered professional engineer or architect shall develop or review the
18 structural design, specifications and plans for the construction, and shall certify
19 that the design and methods of construction to be used are in accordance with
20 accepted standards of practice for meeting the provisions of Item A.1 and A.2
21 above.

22 B. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest
23 structural member of the lowest floor (excluding pilings and columns) of all new
24 and substantially improved structure in Zones V1-30, VE, and V on the
25 community's FIRM and whether or not such structures contain a basement. The
26 public works director shall maintain a record of all such information.

27 C. All new construction within Zones V1-30, VE, and V on the community's FIRM
28 shall be located landward of the reach of mean high tide.

29 D. Provide that all new construction and substantial improvements within Zones V1-
30 30, VE, and V on the community's FIRM have the space below the lowest floor
31 either free of obstruction or constructed with non-supporting breakaway walls,
32 open wood lattice-work, or insect screening intended to collapse under wind and
33 water loads without causing collapse, displacement, or other structural damage to
34 the elevated portion of the building or supporting foundation system. For the
35 purposes of this section, a breakaway wall shall have a design safe loading
36 resistance of not less than 10 and no more than 20 pounds per square foot. Use
37 of breakaway walls which exceed a design safe loading resistance of 20 pounds
38 per square foot (either by design or when so required by local or State codes)
39 may be permitted only if a registered professional engineer or architect certifies
40 that the design proposed meets the following conditions:

41 1. Breakaway wall collapse shall result from water load less than that which
42 would occur during the base flood; and

1 2. The elevated portion of the building and supporting foundation system shall
2 not be subject to collapse, displacement, or other structural damage due to
3 the effects of wind and water loads acting simultaneously on all building
4 components (structural and non-structural). Maximum wind and water
5 loading values to be used in this determination shall each have a one
6 percent chance of being equaled or exceeded in any given year (100-year
7 mean recurrence interval).

8 If breakaway walls are utilized, such enclosed space shall be useable solely for
9 parking of vehicles, building access, or storage. Such space shall not be used for
10 human habitation.

11 E. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE,
12 and V on the community's FIRM.

13 F. Prohibit man-made alteration of sand dunes within Zones V1-30, VE, and V on the
14 community's FIRM which would increase potential flood damage.

15 G. All manufactured homes to be placed or substantially improved within Zones V1-
16 30, V, and VE on the community's FIRM on sites:

17 1. Outside of a manufactured home park or subdivision,

18 2. In a new manufactured home park or subdivision,

19 3. In an expansion to an existing manufactured home park or subdivision, or

20 4. In an existing manufactured home park, or subdivision on which a
21 manufactured home has incurred "substantial damage" as the result of a
22 flood;

23 shall meet the standards of Items A through F of this section and manufactured
24 homes placed or substantially improved on other sites in an existing manufactured
25 home park or subdivision within Zones V1-30, V, and VE on the FIRM shall meet
26 the requirement of BMC 17.76.200.B.

27 H. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the
28 community's FIRM either:

29 1. Be on the site for fewer than 180 consecutive days, or

30 2. Be fully licensed and ready for highway use, on its wheels or jacking system,
31 attached to the site only by quick disconnect type utilities and security
32 devices, and have no permanently attached additions; or

33 3. Meet the requirements of BMC 17.76.080 (development permit
34 required) and Items A through F of this section.

36 **Section 11. Bellingham Municipal Code Section 17.76.220 is amended as follows:**
37

38 **17.76.220 Appeals ~~board~~ and Variance Procedures.**

39 **A. Appeals.**

40 1. The hearing examiner ~~municipal appeals and code review board~~ ("appeals
41 ~~board~~") shall hear and decide all appeals of final decisions made by the public

1 works director under this chapter in accordance with the appeal procedures in
2 BMC 21.10.250 and requests for variances from the requirements of this chapter.

3 ~~B. The appeals board shall hear and decide appeals when it is alleged there is an~~
4 ~~error in any requirement, decision, or determination made by the public works~~
5 ~~director. Such appeal shall be made in writing within 20 days of the date of the action~~
6 ~~appealed from in the enforcement or administration of this chapter.~~

7 ~~C. Those aggrieved by the decision of the appeals board, or any taxpayer, may~~
8 ~~appeal such decision to the Whatcom County superior court by writ of certiorari~~
9 ~~brought within 30 days of the final board decision.~~

10 D2. In hearing and deciding appeals passing upon such applications, the hearing
11 examiner appeals board shall consider all technical evaluations, all relevant
12 factors, standards specified in other sections of this chapter,; and:

13 a1. The danger that materials may be swept onto other lands to the injury of
14 others;

15 b2. The danger to life and property due to flooding or erosion damage;

16 c3. The susceptibility of the proposed facility and its contents of flood damage
17 and the effect of such damage on the individual owner;

18 d4. The importance of the services provided by the proposed facility to the
19 community;

20 e5. The necessity to the facility of a waterfront location, where applicable;

21 f6. The availability of alternative locations for the proposed use which are not
22 subject to flooding or erosion damage;

23 g7. The compatibility of the proposed use with existing and anticipated
24 development;

25 h8. The relationship of the proposed use to the comprehensive plan and
26 floodplain management program for that area;

27 i9. The safety of access to the property in times of flood for ordinary and
28 emergency vehicles;

29 j10. The expected heights, velocity, duration, rate of rise, and sediment
30 transport of the floodwaters and the effects of wave action, if applicable,
31 expected at the site; and

32 k11. The costs of providing governmental services during and after flood
33 conditions, including maintenance and repair of public utilities and facilities
34 such as sewer, gas, electrical, and water systems, and streets and bridges.

35 BE. Variances.

36 1. The hearing examiner shall hear and decide all requests for variances under
37 this chapter.

1 2. The hearing examiner may approve Generally, variances under this
2 chapter may be issued for new construction and substantial improvements to be
3 erected on a lot of one-half acre or less in size contiguous to and surrounded by
4 lots with existing structures constructed below the base flood level, providing
5 subsections (AD)(2)(a1) through (k44) of this section have been fully considered.
6 As the lot size increases beyond the one-half acre, the technical justification
7 required for issuing the variance increases.

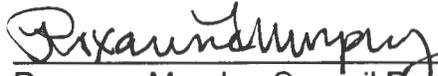
8 3F. Upon consideration of the factors of subsection (AD)(2)(a) through (k) of this
9 section and the purposes of this chapter, the hearing examiner appeals board may
10 condition attach such conditions to the granting of variances as it deems
11 necessary to further the purposes of this chapter.

12 3. The hearing examiner shall follow a Type III-A process as specified in Chapter
13 21.10 BMC when considering a request for a variance from the provisions of this
14 chapter.

15 CG. The public works director shall maintain the records of all appeal actions and
16 report any variances to the Federal Emergency Management Agency upon request.

17
18 **Section 12.** If any section, clause, sentence, or phrase of this Ordinance is held to be
19 invalid or unconstitutional by any court of competent jurisdiction, the court's holding
20 shall in no way affect the validity of the remaining portions of this Ordinance.

21
22
23 **PASSED** by the Council this 23rd day of July, 2018.

24
25
26 
27 _____
28 Roxanne Murphy, Council President

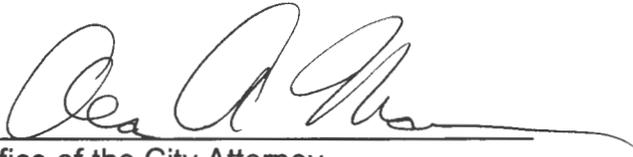
29
30 **APPROVED** by me this 27th day of July, 2018.

31
32 
33 _____
34 Kelli Linville, Mayor

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36
37 **ATTEST:** 
38 _____
39 Brian Henshaw, Finance Director

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41
42 **APPROVED AS TO FORM:**

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A handwritten signature in black ink, appearing to read "C. A. [unclear]", written over a horizontal line.

Office of the City Attorney

Published:

July 27, 2018

Exhibit A

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

APRIL 19, 2018

SUMMARY

Following the public hearing and deliberation on the proposed amendments to Bellingham Municipal Code (BMC) 17.76, Construction in Floodplains, the Bellingham Planning Commission has determined that the proposed amendments comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan. Furthermore, the amendments will allow the City to continue to meet the minimum standards for a Federal Emergency Management Administration (FEMA) participating community, as required by the National Flood Insurance Program (NFIP).

I. FINDINGS OF FACT

1. The proposal is to amend BMC 17.76, Construction in Floodplains in order to incorporate the Federal Emergency Management Administration's (FEMA) minimum standards for a FEMA participating community, as required by the National Flood Insurance Program (NFIP). The proposed amendments are intended to maintain and improve both floodplain function in terms of floodwater conveyance and the protection of essential fish habitat. In addition, incorporating these amendments will maintain the City's eligibility in the NFIP.
2. The proposal before the Commission is a City Council legislative decision requiring a Type VI process. The Planning Commission held a public hearing and will issue findings of fact and conclusions along with a recommendation to the City Council.
3. In November, 2016 the NFIP Coordinator from the Washington State Department of Ecology performed a Community Assistance Visit for the City of Bellingham. In February, 2017, the NFIP Coordinator notified the City that amendments to Bellingham Municipal Code Chapter 17.76 were needed in order to meet FEMA's minimum standards for a FEMA participating community.
4. The general purpose of the NFIP is both to offer primary flood insurance to properties with significant flood risk, and to reduce flood risk through the adoption of floodplain management standards. Generally, communities volunteer to participate in the NFIP so that their residents will have access to flood insurance. In return, communities are required to adopt minimum standards regulating development in floodplains. In communities that do not participate in the NFIP, individuals cannot purchase NFIP flood insurance. Individuals in these communities also face challenges receiving federal disaster assistance in flood hazard areas and have difficulties receiving federally-backed mortgages.
5. The proposal does not include significant changes for development and redevelopment and does not conflict with existing regulations or other City of Bellingham goals and policies. The proposed amendments are necessary for the City of Bellingham to meet the minimum standards for a FEMA participating community. Failure to adopt the amendments would result in FEMA suspending the City of Bellingham from the NFIP. Suspension from the NFIP would result in Bellingham resident's ineligibility for FEMA flood insurance claims and payouts.

6. A SEPA Environmental checklist was prepared and submitted on March 7, 2018. A Determination of Non Significance was issued on March 27, 2018.

7. Relevant Bellingham Comprehensive Plan goals and policies (LU-7, LU-67, EV-3, EV-4, EV-5, EV-9, EV-23, and EV-25) were included in the Planning Commission's consideration of the proposal. The proposed amendments are consistent with and implement the Comprehensive Plan.

8. A Planning Commission public hearing was held on April 19, 2018. Comments were received and were considered by the Planning Commission prior to final recommendation.

9. The city's codes currently support minimizing flood risk and the proposed amendments will further protect existing structures and floodplain function within special flood hazard areas.

10. The proposed code amendments are consistent with community established goals and policies in the Bellingham Comprehensive Plan, and will bring BMC 17.76 into compliance with FEMA's minimum standards for a FEMA participating community.

II. CONCLUSIONS

1. The proposed amendments are consistent with Bellingham Comprehensive Plan goals and policies.

2. The proposed amendments maintain and improve development practices that minimize damage and losses due to flooding.

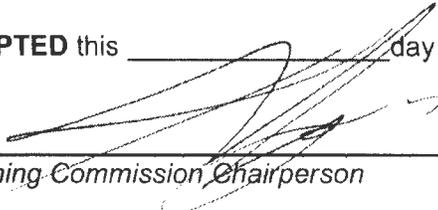
3. The proposed amendments maintain and improve floodplain function for flood water conveyance and protection of essential fish habitat.

4. The proposed amendments comply with the National Flood Insurance Program (NFIP). Adoption of the proposed amendments is necessary to meet the minimum standards for a Federal Emergency Management Administration (FEMA) participating community, as required by the NFIP.

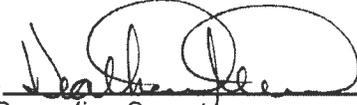
III. RECOMMENDATION

Based upon the information provided in these Findings of Fact and Conclusions as well as the staff report and public comments and testimony received at the public hearing the Planning Commission recommends adoption of the proposed amendments to BMC 17.76 as shown in the draft ordinance and provided in Attachment C.

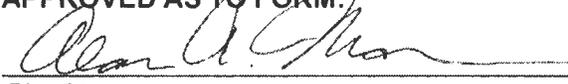
ADOPTED this _____ day of _____, 2018.



Planning Commission Chairperson

ATTEST: 

Recording Secretary

APPROVED AS TO FORM:


City Attorney