

06/29/10

AGENDA SHEET FOR COUNCIL MEETING OF: June 21, 2010

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Planning

Contact Person/Phone No.
Kathleen Weinand/6146

Council Sponsor
PCED

ADMINISTRATIVE SESSION

- Contract
- Report
- Claims

LEGISLATIVE SESSION

- Emergency Ord
- Resolution
- Final Reading Ord
- First Reading Ord
- Special Consideration
- Hearing

CITY PRIORITY

- Communications
- Economic Development
- Growth Management
- Human Services
- Neighborhoods
- Public Safety
- Quality Service Delivery
- Racial Equity/Cultural Diversity
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- CLERK'S FILE _____
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- ENG _____
- BID _____
- REQUISITION _____

STANDING COMMITTEES

(Date of Notification)

- Finance _____
- Neighborhoods _____
- Planning/Community & Econ Dev June 7, 2010
- Public Safety _____
- Public Works _____

Neighborhood/Commission/Committee Notified: _____
Action Taken: _____

AGENDA

An ordinance relating to Floodplain Management; amending SMC 17E.030.050; declaring an emergency, and setting an effective date.

WORDING:

(If contract, include the term.)

BACKGROUND:

(Attach additional sheet if necessary)

FEMA has issued an updated Flood Insurance Study (FIS) and an accompanying Flood Insurance Rate Map (FIRM) that must be adopted by reference in the City's Floodplain Management code before July 6, 2010 or the City will be suspended from the National Flood Insurance Program (NFIP). The currently adopted FIS (dated 1980) exclusively covers the City of Spokane. The new FIS combines information for all the jurisdictions within Spokane County. No new information is included for the areas within the City of Spokane in the updated study. However, the updated Digital Flood Insurance Rate Map (DFIRM) realigns the flood elevation information collected within the City of Spokane for the 1980 study to newer topographic data and aerial photos.

RECOMMENDATION: Adopt

Fiscal Impact:	X N/A	Budget Account:	X N/A
<input type="radio"/> Expenditure: \$		#	
<input type="radio"/> Revenue: \$		#	
<input type="radio"/> Budget Neutral			

ATTACHMENTS: Include in Packets: Ordinance, Plan Commission Findings. Updated FIS and FIRM available at: www.spokaneplanning.org

On file for Review in Office of City Clerk:

SIGNATURES:

Jolene Wright
Department Head

[Signature]
Legal

[Signature]
Division Director

[Signature]
For the Mayor

[Signature]
Finance

[Signature]
Council President

DISTRIBUTION: Kathleen Weinand, Planning Jo Anne Wright, Planning

COUNCIL ACTION:

PASSED BY
SPOKANE CITY COUNCIL:

JUN 21 2010

[Signature]
CITY CLERK

C34612



CITY PLAN COMMISSION
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3329
(509) 625-6060
FAX (509) 625-6013

**Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendations
Update to SMC 17E.030, Floodplain Management**

A recommendation of the City Plan Commission proposing a text amendment to the Spokane Municipal Code (SMC) Title 17E.030 Floodplain Management to adopt an updated Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Map (FIRM).

Findings of Fact:

- A.** The City participates in the National Flood Insurance Program (NFIP).
- B.** In order to participate in the NFIP the City must adopt legally enforceable floodplain management measures approved by the Federal Emergency Management Agency (FEMA).
- C.** FEMA has issued an updated Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRM) for Spokane County to become effective on July 6, 2010.
- D.** The updated FIS and FIRM must be adopted by reference in the General Provision Section of the Floodplain Management standards (SMC 17E.030.050) by the effective date to avoid suspension from the NFIP.
- E.** The FIS and FIRM are used to identify Areas of Special Flood Hazard within the City.
- F.** On May 26, 2010 the Plan Commission held a workshop on the proposed adoption of the updated FIRM and FIS.
- G.** Notice of the updated FIRM and FIS and announcement of the Plan Commission's June 9, 2010 hearing was published in the Spokesman Review on May 26, 2010 and June 2, 2010. In addition to the newspaper advertisements, over 400 postcards were mailed to property owners, property tax payers and residents of property potentially affected by Flood Hazard Areas notifying them of the Plan Commission's June 9, 2010 hearing.
- H.** A State Environmental Policy Act (SEPA) Environmental Checklist was completed and a Determination of Non-significance issued for the updated FIS and FIRM, with notice published in the Spokesman Review on May 26, 2010 and June 2, 2010. The City Plan Commission held a public hearing on June 9, 2010 to obtain public comments on the proposed updates.

- I. Upon adoption of the text amendment to the Floodplain Management standards, the City will officially publish the following amendment to the City's Environmental Standards:

The reference to the scientific and engineering report entitled "The Flood Insurance Study for the City of Spokane" dated February 1980 will be removed and replaced with "The Flood Insurance Study for Spokane County, Washington and Incorporate Areas" dated July 6, 2010.

- J. The City Council must receive a recommendation from the City Plan Commission to approve an ordinance to amend the development regulations contained within the City's Environmental Standards.

Conclusions:

- A. The Plan Commission has reviewed all public testimony received during the public hearing and has made changes to the draft documents during deliberations to address the testimony as needed.
- B. The amendment to the Environmental Standards Code has been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's Comprehensive Plan.

Recommendations:

- A. The Spokane City Plan Commission finds that the proposed text amendment to the Spokane Municipal Code Chapter 17E.030 to adopt by reference the scientific and engineering report entitled "The Flood Insurance Study for Spokane County, Washington and Incorporated Areas" dated July 6, 2010 and accompanying Flood Insurance Rate Maps (FIRM) is recommended for adoption by the Spokane City Council.
- B. The Plan Commission, by a vote of 9 to 0, recommends approval of the proposed Floodplain Management development regulations text amendment with changes as deliberated, by the City Council.



Michael Ekins, President
City Plan Commission

6/9/10
Date

ORDINANCE NO. C 3 4 6 1 2

An ordinance relating to Floodplain Management; amending SMC 17E.030.050; declaring an emergency, and setting an effective date.

WHEREAS, the City of Spokane participates in the National Flood Insurance Program (NFIP); and

WHEREAS, the City of Spokane must adopt the updated Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) issued by FEMA by July 6th, 2010 in order to avoid suspension from the NFIP; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist was completed and a Determination of Non-significance (DNS) was issued for the adoption of the updated FIS and FIRM on May 25th, 2010; and

WHEREAS, the Plan Commission held a workshop on the adoption of the updated FIS and FIRM on May 26th, 2010; and

WHEREAS, Planning Services staff held a public open house informational meeting on the updated FIS and FIRM on June 9th, 2010 before the Plan Commission hearing; and

WHEREAS, the Plan Commission conducted a public hearing to receive written and oral testimony regarding the adoption of the updated FIS and FIRM on June 9th, 2010; and

WHEREAS, a notice of the FIS and FIRM updates, the issuance of the SEPA DNS, the June 9th, 2010 open house and the June 9th, 2010 Plan Commission Hearing was published in the Spokesman Review on May 26th and June 2nd, 2010; and

WHEREAS, over four hundred post cards were mailed to property owners, property tax payers, and residents with property that potentially is affected by the Special Flood Hazard Areas, notifying them of the FIS and FIRM updates, the issuance of the SEPA DNS, the June 9th, 2010 open house and the June 9th, 2010 Plan Commission Hearing; and

WHEREAS, after consideration of the issues and public testimony, the Plan Commission adopted and forwarded to the City Council its findings of fact, conclusions, and recommendations on June 9th, 2010; and

WHEREAS, over four hundred post cards were mailed to property owners, property tax payers, and residents with property that potentially is affected by the Special Flood Hazard Areas, notifying them of the City Council's hearing; and

WHEREAS, a notice of the City Council hearing was published in the Spokesman Review on June 7th, 2010 and June 14th, 2010; and

WHEREAS, the City Council finds that adoption of the floodplain management measures as set forth in this ordinance is necessary in order to be effective on July 6th, 2010 for the immediate preservation of the public peace, health, and safety and for the immediate support of city government and its existing public institutions; --Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 17E.030.050 is amended to read as follows:

17E.030.050 General Provisions

In all areas of special flood hazards, the following standards are required:

- A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. Basis for Establishing the Areas of Special Flood Hazard.
The areas of special flood hazards identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for ~~((the City of))~~ Spokane County, Washington and Incorporated Areas" dated July 06, 2010 ~~((February 1980))~~, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The procedure for map corrections is set forth in the federal code of regulations, 44 CFR Part 70. The Flood Insurance Study and Flood Insurance Rate Maps are on file in the City planning department.
- C. Abrogation and Greater Restrictions.
This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another Spokane Municipal Code section, shoreline master program and any revisions thereto, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- D. Interpretation.
In the interpretation and application of this chapter, all provisions shall be:
 - 1. considered as minimum requirements;
 - 2. liberally construed in favor of the governing body; and

3. deemed neither to limit nor repeal any other powers granted under the laws of the State of Washington.

E. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter does not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Section 2. Emergency Clause. This ordinance is passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the immediate preservation of the public peace, health, and safety and for the immediate support of city government and its existing public institutions.

Section 3. Effective Date. This ordinance shall take effect and be in force on July 6, 2010.

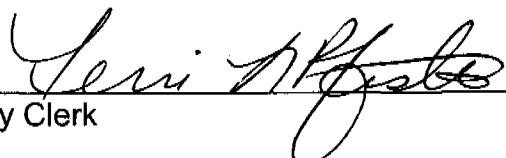
Passed by the City Council on JUL 21 2010, 2010




Joe Shogan, Council President

Attest:

Approved as to form:



City Clerk



Assistant City Attorney 10-002



Mayor

JUN 25 2010

Date

07-06-2010

Effective Date

