

(6) Section 23, chapter 34, Laws of 1939, section 32, chapter 126, Laws of 1979 ex. sess., section 30, chapter 230, Laws of 1984 and RCW 52.14.025;

(7) Section 25, chapter 34, Laws of 1939, section 7, chapter 254, Laws of 1947, section 1, chapter 101, Laws of 1972 ex. sess., section 32, chapter 230, Laws of 1984 and RCW 52.14.040; and

(8) Section 28, chapter 34, Laws of 1939, section 76, chapter 230, Laws of 1984 and RCW 52.30.010.

Passed the House March 6, 1989.

Passed the Senate April 5, 1989.

Approved by the Governor April 19, 1989.

Filed in Office of Secretary of State April 19, 1989.

CHAPTER 64

[Substitute House Bill No. 1651]
FLOOD PLAIN MANAGEMENT

AN ACT Relating to flood plains; amending RCW 86.16.020, 86.16.025, 86.16.031, 86.16.041, and 86.16.061; and adding a new section to chapter 86.16 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 159, Laws of 1935 as amended by section 2, chapter 523, Laws of 1987 and RCW 86.16.020 are each amended to read as follows:

State-wide flood plain management regulation shall be exercised through: (1) Local governments' administration of the national flood insurance program regulation requirements, (2) the establishment of minimum state requirements for flood plain management that equal the minimum federal requirements for the national flood insurance program, and (3) ~~((the administration of flood plain management programs for local jurisdictions not participating in or meeting the requirements of the national flood insurance program, and (4) through))~~ the issuance of regulatory orders. This regulation shall be exercised over the planning, construction, operation and maintenance of any works, structures and improvements, private or public, which might, if improperly planned, constructed, operated and maintained, adversely influence the regimen of a stream or body of water or might adversely affect the security of life, health and property against damage by flood water.

Sec. 2. Section 6, chapter 159, Laws of 1935 as last amended by section 50, chapter 109, Laws of 1987 and RCW 86.16.025 are each amended to read as follows:

With respect to such features as may affect flood conditions, the department shall have authority to examine, approve or reject designs and plans for any structure or works, public or private, to be erected or built or

to be reconstructed or modified upon the banks or in or over the channel or over and across the ~~((flood plain or))~~ floodway of any stream or body of water in this state.

Sec. 3. Section 3, chapter 523, Laws of 1987 and RCW 86.16.031 are each amended to read as follows:

The department of ecology shall:

(1) Review and approve ~~((all))~~ county, city, or town flood plain management ordinances pursuant to RCW 86.16.041;

(2) When requested, provide guidance and assistance to local governments in development and amendment of their flood plain management ordinances;

(3) Provide technical assistance to local governments in the administration of their flood plain management ordinances;

(4) Provide local governments and the general public with information related to the national flood insurance program;

(5) When requested, provide assistance to local governments in enforcement actions against any individual or individuals performing activities within the flood plain that are not in compliance with local, state, or federal flood plain management requirements;

(6) ~~((Assume regulatory authority for flood plain management activities in the event of failure by the local government to comply with the requirements of this chapter; and~~

~~(7))~~ Establish minimum state requirements that equal ~~((or exceed the))~~ minimum federal requirements for the national flood insurance program;

(7) Assist counties, cities, and towns in identifying the location of the one hundred year flood plain, and petitioning the federal government to alter its designations of where the one hundred year flood plain is located if the federally recognized location of the one hundred year flood plain is found to be inaccurate; and

(8) Establish minimum state requirements for specific flood plains that exceed the minimum federal requirements for the national flood insurance program, but only if: (a) The location of the one hundred year flood plain has been reexamined and is certified by the department as being accurate; (b) negotiations have been held with the affected county, city, or town over these regulations; (c) public input from the affected community has been obtained; and (d) the department makes a finding that these increased requirements are necessary due to local circumstances and general public safety.

Sec. 4. Section 4, chapter 523, Laws of 1987 and RCW 86.16.041 are each amended to read as follows:

(1) Beginning July 26, 1987, every county and incorporated city and town shall submit to the department of ecology any new flood plain management ordinance or amendment to any existing flood plain management

ordinance. Such ordinance or amendment shall take effect thirty days from filing with the department unless the department disapproves such ordinance or amendment within that time period.

(2) The department may disapprove any ordinance or amendment submitted to it under subsection (1) of this section if it finds that an ordinance or amendment does not comply with any of the following:

(a) Restriction of land uses within designated floodways including the prohibition of construction or reconstruction of residential structures 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 repair is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty percent determination;

~~(b) ((Floodproofing or elevating lowest floor levels for nonresidential structures;~~

~~(c) Elevating lowest floor levels for residential structures;~~

~~(d)) The minimum requirements of the national flood insurance program; ((or~~

~~(e) Any minimum state requirements established by rule by the department of ecology)) and~~

(c) The minimum state requirements adopted pursuant to RCW 86.16.031(8) that are applicable to the particular county, city, or town.

Sec. 5. Section 6, chapter 523, Laws of 1987 and RCW 86.16.061 are each amended to read as follows:

The department of ecology ~~((may))~~ after consultation with the public shall adopt such rules as are necessary to implement this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 86.16 RCW to read as follows:

A county, city, or town may adopt flood plain management ordinances or requirements that exceed the minimum federal requirements of the national flood insurance program without following the procedures provided in RCW 86.16.031(8).

Passed the House March 14, 1989.

Passed the Senate April 5, 1989.

Approved by the Governor April 19, 1989.

Filed in Office of Secretary of State April 19, 1989.