

## Local Government Committee

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### BILL ANALYSIS HB 1963

**TITLE OF THE BILL:** Allowing the rebuilding of a farmhouse in a floodway under certain circumstances.

**WHAT THIS BILL DOES:** *Exempts certain construction activities for existing farmhouses from prohibitions against construction in designated floodways under certain circumstances.*

**SPONSORS:** Representatives Koster, Dunshee, O'Brien, Anderson, G. Chandler, Sump, Dunn, B. Chandler and Mulliken

**HEARING DATE:** Thursday, February 25, 1999.

**FISCAL NOTE:** Not requested.

**ANALYSIS PREPARED BY:** Caroleen Dineen (786-7156)

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### BACKGROUND:

The federal National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973 were enacted in an effort to alleviate flood damages and expenditures of government funds. The Department of Ecology (DOE) is the state agency responsible for coordinating the flood plain management regulation elements of the national flood insurance program in Washington.

State statute provides that flood plain management regulations applicable to construction of structures and other activities which might affect the security of life, health and property against damage by flood water are to include:

- local government administration of national flood insurance program regulatory requirements;
- minimum state requirements for flood plain management that equal the minimum federal requirements for the national flood insurance program; and
- regulatory orders to ensure compliance.

State and local flood plain management regulations are based on areas designated as special flood hazard areas on Federal Emergency Management Agency maps provided for the national flood insurance program. Violation of the flood plain management regulation may subject a person to civil penalties.

The DOE is required to establish the minimum state requirements. The DOE has authority to approve or reject designs and plans for structures or works to be constructed across the floodway of any stream or water body in the state. The DOE also has authority to approve or reject local flood plain management ordinances and amendments and to provide technical and other assistance to local governments with respect to flood plain management.

A local flood plain management ordinance or amendment takes effect thirty days from filing with the DOE unless the DOE disapproves it within that period. The DOE may disapprove a local flood plain ordinance or amendment if the DOE finds that it does not comply with the minimum requirements of the national flood insurance program or the minimum state requirements established by the DOE. The DOE also has authority to disapprove if the local flood plain management ordinance or amendment does not restrict land uses within designated floodways, including prohibition of construction or reconstruction of residential structures except:

- repairs, reconstruction or improvements not increasing ground floor area; and
- repairs, reconstruction or improvements, the cost of which does not exceed fifty percent of the structure's market value either before the repair started or before the damage occurred.

## ***SUMMARY:***

Repairs, reconstruction, replacement or improvements to existing farmhouses meeting specified requirements are exempt from the prohibition against construction or reconstruction of residential structures in designated floodways. To qualify for this exemption, the repair, reconstruction, replacement or improvement must satisfy the following conditions:

- the existing farmhouse must be located on lands designated as agricultural lands of long-term commercial significance according to Growth Management Act requirements;
- the new farmhouse must be a replacement of an existing farmhouse on the same farm site;
- no potential building site outside the designated floodway may exist for a replacement farmhouse on the same farm;
- replacement, repairs, reconstruction or improvements must not exceed or increase the total square footage of encroachment of the existing farmhouse;
- the entire existing farmhouse, if replaced, must be removed within ninety days after occupancy of the new farmhouse;
- for substantial improvements and replacements, the lowest floor elevation (including basement) must be one foot higher than the base flood elevation;
- new and replacement water supply systems must be designed to eliminate or minimize flood water infiltration or sanitary sewer discharge into flood waters; and
- utilities and utility connections must be located to eliminate or minimize flood damage.