

SENATE BILL REPORT

ESHB 2934

As Reported By Senate Committee On:
State & Local Government, February 23, 2000

Title: An act relating to accessory buildings and structures within the flood plain.

Brief Description: Making changes to flood plain construction limitations.

Sponsors: House Committee on Local Government (originally sponsored by Representative Koster).

Brief History:

Committee Activity: State & Local Government: 2/21/2000, 2/23/2000 [DP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Kline and McCaslin.

Staff: Roger Brodniak (786-7445)

Background: The Federal Emergency Management Agency (FEMA) oversees the participation of state and local agencies in the National Flood Insurance Program (NFIP).

The Department of Ecology (DOE) coordinates the flood plain management regulation elements of the NFIP in Washington State.

DOE establishes minimum state requirements and has authority to approve or reject designs and plans for structures or works constructed in designated flood hazard areas. DOE also may disapprove if the local flood plain management ordinance or amendment does not prohibit construction or reconstruction of residential structures within designated floodways.

The following types of construction on residential structures located within designated floodways are allowed: (1) repairs, reconstruction or improvements not increasing ground floor area; and (2) repairs, reconstruction or improvements, the cost of which does not exceed 50 percent of the structure's market value either before the repair started or before the damage occurred.

Work done to comply with local health, sanitary, or safety code is exempt from the 50 percent determination regarding market value for purposes of the floodway prohibition. Historic structures are also exempt from the 50 percent determination.

Existing farmhouses in designated floodways are exempt from the general floodway prohibition against substantial repair or reconstruction, provided certain conditions are satisfied.

Summary of Bill: Two exemptions to flood plain management requirements are amended:

(1) Work done to comply with health and safety codes. Projects to correct local health, sanitary, or safety code violations identified by a local code or building enforcement official are exempt from the 50 percent determination if they are the minimum necessary to ensure safe living conditions.

(2) Substantially damaged residential structures. Substantially damaged residential structures other than farmhouses located in designated floodways may also be exempt from the floodway prohibition under certain circumstances. Upon request of a local government, DOE may recommend repair, replacement or relocation of substantially damaged residential structures other than farmhouses. This recommendation, with the local government's concurrence, is a waiver of the floodway prohibition.

Other technical changes are made.

The deadline for DOE to develop rules related to the procedures for repair, replacement or relocation of residential structures other than farmhouses is extended to December 31, 2000.

Appropriation: None.

Fiscal Note: Requested on February 2, 2000.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Testified: No one.