
HOUSE BILL 2756

State of Washington

54th Legislature

1996 Regular Session

By Representatives Casada, Sheldon and Johnson

Read first time 01/18/96. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to county flood control regulations; amending RCW
2 86.12.200 and 86.16.045; and adding a new section to chapter 86.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to read
5 as follows:

6 The county legislative authority of any county may adopt a
7 comprehensive flood control management plan for any drainage basin that
8 is located wholly or partially within the county.

9 A comprehensive flood control management plan shall include the
10 following elements:

11 (1) Designation of areas that are susceptible to periodic flooding,
12 from inundation by bodies of water or surface water runoff, or both,
13 including the river's meander belt or floodway;

14 (2) Establishment of a comprehensive scheme of flood control
15 protection and improvements for the areas that are subject to such
16 periodic flooding, that includes: (a) Determining the need for, and
17 desirable location of, flood control improvements to protect or
18 preclude flood damage to structures, works, and improvements, based
19 upon a cost/benefit ratio between the expense of providing and

1 maintaining these improvements and the benefits arising from these
2 improvements; (b) establishing the level of flood protection that each
3 portion of the system of flood control improvements will be permitted;
4 (c) identifying alternatives to in-stream flood control work; (d)
5 identifying areas where flood waters could be directed during a flood
6 to avoid damage to buildings and other structures; and (e) identifying
7 sources of revenue that will be sufficient to finance the comprehensive
8 scheme of flood control protection and improvements;

9 (3) Establishing land use regulations that preclude the location of
10 structures, works, or improvements in critical portions of such areas
11 subject to periodic flooding, including a river's meander belt or
12 floodway, and permitting only flood-compatible land uses in such areas;

13 (4) Subject to the prohibitions under section 3 of this act,
14 establishing restrictions on construction activities in areas subject
15 to periodic floods that require the flood proofing of those structures
16 that are permitted to be constructed or remodeled; and

17 (5) Establishing restrictions on land clearing activities and
18 development practices that exacerbate flood problems by increasing the
19 flow or accumulation of flood waters, or the intensity of drainage, on
20 low-lying areas. Land clearing activities do not include forest
21 practices as defined in chapter 76.09 RCW.

22 A comprehensive flood control management plan shall be subject to
23 the minimum requirements for participation in the national flood
24 insurance program, requirements exceeding the minimum national flood
25 insurance program that have been adopted by the department of ecology
26 for a specific flood plain pursuant to RCW 86.16.031, and rules adopted
27 by the department of ecology pursuant to RCW 86.26.050 relating to
28 flood plain management activities. When a county plans under chapter
29 36.70A RCW, it may incorporate the portion of its comprehensive flood
30 control management plan relating to land use restrictions in its
31 comprehensive plan and development regulations adopted pursuant to
32 chapter 36.70A RCW.

33 **Sec. 2.** RCW 86.16.045 and 1989 c 64 s 6 are each amended to read
34 as follows:

35 Subject to the prohibitions under section 3 of this act, a county,
36 city, or town may adopt flood plain management ordinances or
37 requirements that exceed the minimum federal requirements of the

1 national flood insurance program without following the procedures
2 provided in RCW 86.16.031(8).

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 86.12 RCW
4 to read as follows:

5 (1) A county may not require a mobile home, manufactured home, or
6 recreational vehicle in a mobile home park or subdivision, in existence
7 on the effective date of this act, to be replaced or substantially
8 improved so that the lowest floor of the home or vehicle is: (a) One
9 foot above the base flood elevation; or (b) two feet above the base
10 flood elevation for structures adjacent to major water courses.

11 (2) A county may not impose stricter foundation requirements on
12 mobile homes, manufactured homes, or recreational vehicles than are
13 otherwise imposed because they are located in a flood plain or flood
14 way.

15 (3) A county may not adopt a definition of flood water that is
16 broader or more restrictive on construction than the definition adopted
17 by the federal emergency management agency.

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