
HOUSE BILL 1963

State of Washington

56th Legislature

1999 Regular Session

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

Read first time 02/12/1999. Referred to Committee on Local Government.

1 AN ACT Relating to flood plain management; and amending RCW
2 86.16.041.

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

4 **Sec. 1.** RCW 86.16.041 and 1989 c 64 s 4 are each amended to read
5 as follows:

6 (1) Beginning July 26, 1987, every county and incorporated city and
7 town shall submit to the department of ecology any new flood plain
8 management ordinance or amendment to any existing flood plain
9 management ordinance. Such ordinance or amendment shall take effect
10 thirty days from filing with the department unless the department
11 disapproves such ordinance or amendment within that time period.

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

15 (a) Restriction of land uses within designated floodways including
16 the prohibition of construction or reconstruction of residential
17 structures except for: (i) Repairs, reconstruction, or improvements to
18 a structure which do not increase the ground floor area; and (ii)
19 repairs, reconstruction, or improvements to a structure the cost of
20 which does not exceed fifty percent of the market value of the

1 structure either, (A) before the repair, reconstruction, or repair is
2 started, or (B) if the structure has been damaged, and is being
3 restored, before the damage occurred. Work done on structures to
4 comply with existing health, sanitary, or safety codes or to structures
5 identified as historic places shall not be included in the fifty
6 percent determination. However, the floodway prohibition in this
7 subsection does not apply to existing farmhouses in designated
8 floodways that meet the provisions of subsection (3) of this section.
9 For the purposes of this section, "farmhouse" means a single family
10 dwelling necessary to the operation of a commercial farm engaged in
11 agriculture where the occupants of the dwelling derive their principal
12 livelihood from the farm site upon which the farmhouse is located;

13 (b) The minimum requirements of the national flood insurance
14 program; and

15 (c) The minimum state requirements adopted pursuant to RCW
16 86.16.031(8) that are applicable to the particular county, city, or
17 town.

18 (3) Repairs, reconstruction, replacement, or improvements to
19 existing farmhouse structures located in designated floodways and which
20 are located on lands designated as agricultural lands of long-term
21 commercial significance under RCW 36.70A.170 as identified by a
22 particular county, city, or town's growth management act comprehensive
23 plan shall be permitted subject to the following:

24 (a) The new farmhouse is a replacement for an existing farmhouse on
25 the same farm site;

26 (b) There is no potential building site for a replacement farmhouse
27 on the same farm outside the designated floodway;

28 (c) Repairs, reconstruction, or improvements to a farmhouse shall
29 not increase the total square footage of encroachment of the existing
30 farmhouse;

31 (d) A replacement farmhouse shall not exceed the total square
32 footage of encroachment of the structure it is replacing;

33 (e) A farmhouse being replaced shall be removed, in its entirety,
34 including foundation, from the floodway within ninety days after
35 occupancy of a new farmhouse;

36 (f) For substantial improvements, and replacement farmhouses, the
37 elevation of the lowest floor of the improvement and farmhouse
38 respectively, including basement, is one foot higher than the base
39 flood elevation;

1 (g) New and replacement water supply systems are designed to
2 eliminate or minimize infiltration of flood waters into the system;

3 (h) New and replacement sanitary sewerage systems are designed and
4 located to eliminate or minimize infiltration of flood water into the
5 system and discharge from the system into the flood waters; and

6 (i) All other utilities and connections to public utilities are
7 designed, constructed, and located to eliminate or minimize flood
8 damage.

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