

2 **ESSB 5411** - H COMM AMD **ADOPTED 4-19-91**

3 By Committee on Natural Resources & Parks

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) Floods pose threats to public health and safety including loss
9 or endangerment to human life; damage to homes; damage to public roads,
10 highways, bridges, and utilities; interruption of travel,
11 communication, and commerce; damage to private and public property;
12 degradation of water quality; damage to fisheries, fish hatcheries, and
13 fish habitat; harm to livestock; destruction or degradation of
14 environmentally sensitive areas; erosion of soil, stream banks, and
15 beds; and harmful accumulation of soil and debris in the beds of
16 streams or other bodies of water and on public and private lands;

17 (b) Alleviation of flood damage to property and to public health
18 and safety is a matter of public concern;

19 (c) Many land uses alter the pattern of runoff by decreasing the
20 ability of upstream lands to store waters, thus increasing the rate of
21 runoff and attendant downstream impacts; and

22 (d) Prevention of flood damage requires a comprehensive approach,
23 incorporating storm water management and basin-wide flood damage
24 protection planning.

25 (2) It is the intent of the legislature to develop a coordinated
26 and comprehensive state policy to address the problems of flooding and
27 the minimization of flood damage."

1 "NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW
2 to read as follows:

3 (1) A person unlawfully diverting, impounding, or altering the
4 natural flow of surface waters or water flowing in a natural
5 watercourse shall be liable in an action for property damages to a
6 person whose property is damaged by such unlawful diversion,
7 impoundment, or alteration. Such person shall not be liable under this
8 section where the action was taken in compliance with a permit issued
9 by a state agency or local government.

10 (2) For purposes of this section, "natural watercourse" means a
11 channel with a defined bed and banks or a depression or swale that in
12 its natural condition acts to drain water flowing perennially or
13 intermittently.

14 (3) This section shall not apply to the diversion and collection of
15 water for irrigation of agricultural lands, including the discharge of
16 used irrigation water.

17 (4) This section shall apply only to actions taken subsequent to
18 the effective date of this act."

19 "**Sec. 3.** RCW 36.70A.150 and 1990 1st ex.s. c 17 s 15 are each
20 amended to read as follows:

21 Each county and city that is required or chooses to prepare a
22 comprehensive land use plan under RCW 36.70A.040 shall identify lands
23 useful for public purposes such as utility corridors, transportation
24 corridors, landfills, sewage treatment facilities, storm water
25 management facilities, recreation, schools, and other public uses. The
26 county shall work with the state and the cities within its borders to
27 identify areas of shared need for public facilities. The jurisdictions
28 within the county shall prepare a prioritized list of lands necessary

1 for the identified public uses including an estimated date by which the
2 acquisition will be needed.

3 The respective capital acquisition budgets for each jurisdiction
4 shall reflect the jointly agreed upon priorities and time schedule."

5 "Sec. 4. RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each
6 amended to read as follows:

7 Unless the context clearly requires otherwise, the following
8 definitions shall apply in RCW 82.02.050 through 82.02.090:

9 (1) "Development activity" means any construction or expansion of
10 a building, structure, or use, any change in use of a building or
11 structure, or any changes in the use of land, that creates additional
12 demand and need for public facilities.

13 (2) "Development approval" means any written authorization from a
14 county, city, or town which authorizes the commencement of development
15 activity.

16 (3) "Impact fee" means a payment of money imposed upon development
17 as a condition of development approval to pay for public facilities
18 needed to serve new growth and development, and that is reasonably
19 related to the new development that creates additional demand and need
20 for public facilities, that is a proportionate share of the cost of the
21 public facilities, and that is used for facilities that reasonably
22 benefit the new development. "Impact fee" does not include a
23 reasonable permit or application fee.

24 (4) "Owner" means the owner of record of real property, although
25 when real property is being purchased under a real estate contract, the
26 purchaser shall be considered the owner of the real property if the
27 contract is recorded.

1 (5) "Proportionate share" means that portion of the cost of public
2 facility improvements that are reasonably related to the service
3 demands and needs of new development.

4 (6) "Project improvements" mean site improvements and facilities
5 that are planned and designed to provide service for a particular
6 development project and that are necessary for the use and convenience
7 of the occupants or users of the project, and are not system
8 improvements. No improvement or facility included in a capital
9 facilities plan approved by the governing body of the county, city, or
10 town shall be considered a project improvement.

11 (7) "Public facilities" means the following capital facilities
12 owned or operated by government entities: (a) Public streets and
13 roads; (b) publicly owned parks, open space, and recreation facilities;
14 (c) storm water management facilities; (d) school facilities; and
15 (~~(d)~~) (e) fire protection facilities in jurisdictions that are not
16 part of a fire district.

17 (8) "Service area" means a geographic area defined by a county,
18 city, town, or intergovernmental agreement in which a defined set of
19 public facilities provide service to development within the area.
20 Service areas shall be designated on the basis of sound planning or
21 engineering principles.

22 (9) "System improvements" mean public facilities that are included
23 in the capital facilities plan and are designed to provide service to
24 service areas within the community at large, in contrast to project
25 improvements."

26 "NEW SECTION. Sec. 5. A new section is added to chapter 36.70A
27 RCW to read as follows:

28 Within one year of the adoption of comprehensive plans by
29 jurisdictions required to plan or who choose to plan under RCW

1 36.70A.040, such jurisdictions shall adopt ordinances that require the
2 provision of storm water management facilities concurrently with
3 development approval and that meet the standards for level of service
4 provided in the comprehensive plan."

5 "Sec. 6. RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
6 amended to read as follows:

7 The comprehensive plan of a county or city that is required or
8 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
9 and descriptive text covering objectives, principles, and standards
10 used to develop the comprehensive plan. The plan shall be an
11 internally consistent document and all elements shall be consistent
12 with the future land use map. A comprehensive plan shall be adopted
13 and amended with public participation as provided in RCW 36.70A.140.

14 Each comprehensive plan shall include a plan, scheme, or design for
15 each of the following:

16 (1) A land use element designating the proposed general
17 distribution and general location and extent of the uses of land, where
18 appropriate, for agriculture, timber production, housing, commerce,
19 industry, recreation, open spaces, public utilities, public facilities,
20 and other land uses. The land use element shall include population
21 densities, building intensities, and estimates of future population
22 growth. The land use element shall provide for protection of the
23 quality and quantity of ground water used for public water supplies.
24 Where applicable, the land use element shall review drainage, flooding,
25 and storm water run-off in the area and nearby jurisdictions and
26 provide guidance for corrective actions to mitigate or cleanse those
27 discharges that pollute waters of the state, including Puget Sound or
28 waters entering Puget Sound. Where applicable the land use element
29 shall incorporate storm water management programs adopted pursuant to

1 the Puget Sound water quality management plan required under RCW
2 90.70.060.

3 (2) A housing element recognizing the vitality and character of
4 established residential neighborhoods that: (a) Includes an inventory
5 and analysis of existing and projected housing needs; (b) includes a
6 statement of goals, policies, and objectives for the preservation,
7 improvement, and development of housing; (c) identifies sufficient land
8 for housing, including, but not limited to, government-assisted
9 housing, housing for low-income families, manufactured housing,
10 multifamily housing, and group homes and foster care facilities; and
11 (d) makes adequate provisions for existing and projected needs of all
12 economic segments of the community.

13 (3) A capital facilities plan element consisting of: (a) An
14 inventory of existing capital facilities owned by public entities,
15 showing the locations and capacities of the capital facilities; (b) a
16 forecast of the future needs for such capital facilities; (c) the
17 proposed locations and capacities of expanded or new capital
18 facilities; (d) at least a six-year plan that will finance such capital
19 facilities within projected funding capacities and clearly identifies
20 sources of public money for such purposes; and (e) a requirement to
21 reassess the land use element if probable funding falls short of
22 meeting existing needs and to ensure that the land use element, capital
23 facilities plan element, and financing plan within the capital
24 facilities plan element are coordinated and consistent.

25 (4) A utilities element consisting of the general location,
26 proposed location, and capacity of all existing and proposed utilities,
27 including, but not limited to, electrical lines, telecommunication
28 lines, and natural gas lines.

29 (5) Counties shall include a rural element including lands that are
30 not designated for urban growth, agriculture, forest, or mineral

1 resources. The rural element shall permit land uses that are
2 compatible with the rural character of such lands and provide for a
3 variety of rural densities.

4 (6) A transportation element that implements, and is consistent
5 with, the land use element. The transportation element shall include
6 the following subelements:

7 (a) Land use assumptions used in estimating travel;

8 (b) Facilities and services needs, including:

9 (i) An inventory of air, water, and land transportation facilities
10 and services, including transit alignments, to define existing capital
11 facilities and travel levels as a basis for future planning;

12 (ii) Level of service standards for all arterials and transit
13 routes to serve as a gauge to judge performance of the system. These
14 standards should be regionally coordinated;

15 (iii) Specific actions and requirements for bringing into
16 compliance any facilities or services that are below an established
17 level of service standard;

18 (iv) Forecasts of traffic for at least ten years based on the
19 adopted land use plan to provide information on the location, timing,
20 and capacity needs of future growth;

21 (v) Identification of system expansion needs and transportation
22 system management needs to meet current and future demands;

23 (c) Finance, including:

24 (i) An analysis of funding capability to judge needs against
25 probable funding resources;

26 (ii) A multiyear financing plan based on the needs identified in
27 the comprehensive plan, the appropriate parts of which shall serve as
28 the basis for the six-year street, road, or transit program required by
29 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
30 35.58.2795 for public transportation systems;

1 (iii) If probable funding falls short of meeting identified needs,
2 a discussion of how additional funding will be raised, or how land use
3 assumptions will be reassessed to ensure that level of service
4 standards will be met;

5 (d) Intergovernmental coordination efforts, including an assessment
6 of the impacts of the transportation plan and land use assumptions on
7 the transportation systems of adjacent jurisdictions;

8 (e) Demand-management strategies.

9 After adoption of the comprehensive plan by jurisdictions required
10 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
11 must adopt and enforce ordinances which prohibit development approval
12 if the development causes the level of service on a transportation
13 facility to decline below the standards adopted in the transportation
14 element of the comprehensive plan, unless transportation improvements
15 or strategies to accommodate the impacts of development are made
16 concurrent with the development. These strategies may include
17 increased public transportation service, ride sharing programs, demand
18 management, and other transportation systems management strategies.
19 For the purposes of this (~~subsection (6)~~) section "concurrent with
20 the development" shall mean that improvements or strategies are in
21 place at the time of development, or that a financial commitment is in
22 place to complete the improvements or strategies within six years.

23 The transportation element described in this subsection, and the
24 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
25 counties, and RCW 35.58.2795 for public transportation systems, must be
26 consistent.

27 (7) The land use, capital facilities, and transportation elements
28 of comprehensive plans shall incorporate and be consistent with
29 applicable provisions of watershed management plans adopted pursuant to
30 the Puget Sound water quality management plan."

1 "NEW SECTION. **Sec. 7.** The purpose of sections 7 through 18 of
2 this act is to permit counties to adopt a comprehensive system of flood
3 control management and protection within drainage basins and to
4 coordinate the flood control activities of the state, counties, cities,
5 towns, and special districts within such drainage basins."

6 "NEW SECTION. **Sec. 8.** A new section is added to chapter 86.12 RCW
7 to read as follows:

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

11 A comprehensive flood control management plan shall include the
12 following elements:

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

16 (2) Establishment of a comprehensive scheme of flood control
17 protection and improvements for the areas that are subject to such
18 periodic flooding, that includes: (a) Determining the need for, and
19 desirable location of, flood control improvements to protect or
20 preclude flood damage to structures, works, and improvements, based
21 upon a cost/benefit ratio between the expense of providing and
22 maintaining these improvements and the benefits arising from these
23 improvements; (b) establishing the level of flood protection that each
24 portion of the system of flood control improvements will be permitted;
25 (c) identifying alternatives to in-stream flood control work; (d)
26 identifying areas where flood waters could be directed during a flood
27 to avoid damage to buildings and other structures; and (e) identifying
28 sources of revenue that will be sufficient to finance the comprehensive
29 scheme of flood control protection and improvements;

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

5 (4) Establishing restrictions on construction activities in areas
6 subject to periodic floods that require the flood proofing of those
7 structures that are permitted to be constructed or remodeled; and

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

13 A comprehensive flood control management plan shall be subject to
14 the minimum requirements for participation in the national flood
15 insurance program, requirements exceeding the minimum national flood
16 insurance program that have been adopted by the department of ecology
17 for a specific flood plain pursuant to RCW 86.16.031, and rules adopted
18 by the department of ecology pursuant to RCW 86.26.050 relating to
19 flood plain management activities. When a county plans under chapter
20 36.70A RCW, it may incorporate the portion of its comprehensive flood
21 control management plan relating to land use restrictions in its
22 comprehensive plan and development regulations adopted pursuant to
23 chapter 36.70A RCW."

24 "NEW SECTION. **Sec. 9.** A new section is added to chapter 86.12 RCW
25 to read as follows:

26 A comprehensive flood control management plan that includes an area
27 within which a city or town, or a special district subject to chapter
28 85.38 RCW, is located shall be developed by the county with the
29 participation of officials from the city, town, or special district,

1 including conservation districts, and appropriate state and federal
2 agencies. Where a comprehensive flood control management plan is being
3 prepared for a river that is part of the common boundary between two
4 counties, the county legislative authority of the county preparing the
5 plan may allow participation by officials of the adjacently located
6 county.

7 A comprehensive flood control management plan shall be binding on
8 each city, town, and special district that is located within an area
9 included in the plan, except that the land use regulations and
10 restrictions on construction activities contained in a comprehensive
11 flood control management plan applicable to a city or town shall be
12 minimum standards that the city or town may exceed."

13 "NEW SECTION. **Sec. 10.** A new section is added to chapter 86.12
14 RCW to read as follows:

15 A county may create one or more advisory committees to assist in
16 the development of proposed comprehensive flood control management
17 plans and to provide general advice on flood problems. The advisory
18 committees may include city and town officials, officials of special
19 districts subject to chapter 85.38 RCW, conservation districts,
20 appropriate state and federal officials, and officials of other
21 counties and other interested persons."

22 "**Sec. 11.** RCW 86.26.050 and 1988 c 36 s 64 are each amended to
23 read as follows:

24 (1) State participation shall be in such preparation of
25 comprehensive flood control management plans under this chapter and
26 chapter 86.12 RCW, cost sharing feasibility studies for new flood
27 control projects, and flood control maintenance projects as are
28 affected with a general public and state interest, as differentiated

1 from a private interest, and as are likely to bring about public
2 benefits commensurate with the amount of state funds allocated thereto.

3 (2) No participation for flood control maintenance projects may
4 occur with a county or other municipal corporation unless the director
5 of ecology has approved the flood plain management activities of the
6 county, city, or town having planning jurisdiction over the area where
7 the flood control maintenance project will be, on the one hundred year
8 flood plain surrounding such area.

9 The department of ecology shall adopt rules concerning the flood
10 plain management activities of a county, city, or town that are
11 adequate to protect or preclude flood damage to structures, works, and
12 improvements, including the restriction of land uses within a river's
13 meander belt or floodway to only flood-compatible uses. Whenever the
14 department has approved county, city, and town flood plain management
15 activities, as a condition of receiving an allocation of funds under
16 this chapter, each revision to the flood plain management activities
17 must be approved by the department of ecology, in consultation with the
18 department of fisheries and the department of wildlife.

19 No participation with a county or other municipal corporation for
20 flood control maintenance projects may occur unless the county engineer
21 of the county within which the flood control maintenance project is
22 located certifies that a comprehensive flood control management plan
23 has been completed and adopted by the appropriate local authority, or
24 is being prepared for all portions of the river basin or other area,
25 within which the project is located in that county, that are subject to
26 flooding with a frequency of one hundred years or less.

27 (3) Participation for flood control maintenance projects and
28 preparation of comprehensive flood control management plans shall be
29 made from grants made by the department of ecology from the flood
30 control assistance account. Comprehensive flood control management

1 plans, and any revisions to the plans, must be approved by the
2 department of ecology, in consultation with the department of fisheries
3 and the department of wildlife. The department may only grant
4 financial assistance to local governments that, in the opinion of the
5 department, are making good faith efforts to take advantage of, or
6 comply with, federal and state flood control programs."

7 "Sec. 12. RCW 86.26.090 and 1984 c 212 s 7 are each amended to
8 read as follows:

9 The state shall participate with eligible local authorities in
10 maintaining and restoring the normal and reasonably stable river and
11 stream channel alignment and the normal and reasonably stable river and
12 stream channel capacity for carrying off flood waters with a minimum of
13 damage from bank erosion or overflow of adjacent lands and property;
14 and in restoring, maintaining and repairing natural conditions, works
15 and structures for the maintenance of such conditions. State
16 participation in the repair of flood control facilities may include the
17 enhancement of such facilities. The state shall likewise participate
18 in the restoration and maintenance of natural conditions, works or
19 structures for the protection of lands and other property from
20 inundation or other damage by the sea or other bodies of water. Funds
21 from the flood control assistance account shall not be available for
22 maintenance of works or structures maintained solely for the detention
23 or storage of flood waters."

24 "Sec. 13. RCW 86.26.100 and 1986 c 46 s 4 are each amended to read
25 as follows:

26 State participation in the cost of any flood control maintenance
27 project shall be provided for by a written memorandum agreement between
28 the director of ecology and the legislative authority of the county

1 submitting the request, which agreement, among other things, shall
2 state the estimated cost and the percentage thereof to be borne by the
3 state. In no instance, except on emergency projects, shall the state's
4 share exceed one-half the cost of the project, to include project
5 planning and design. Grants for cost sharing feasibility studies for
6 new flood control projects shall not exceed fifty percent of the
7 matching funds that are required by the federal government, and shall
8 not exceed twenty-five percent of the total costs of the feasibility
9 study. However, grants to prepare a comprehensive flood control
10 management plan required under RCW 86.26.050 shall not exceed seventy-
11 five percent of the full planning costs, but not to exceed amounts for
12 either purpose specified in rule and regulation by the department of
13 ecology."

14 "NEW SECTION. Sec. 14. A new section is added to chapter 86.15
15 RCW to read as follows:

16 A board may not establish a zone including an area located in
17 another zone unless this area is removed from the other zone, or the
18 other zone is dissolved, as part of the action creating the new zone."

19 "Sec. 15. RCW 86.15.178 and 1983 c 315 s 23 and 1983 c 167 s 212
20 are each reenacted to read as follows:

21 (1) The supervisors may authorize the issuance of revenue bonds to
22 finance any flood control improvement or storm water control
23 improvement. The bonds may be issued by the supervisors in the same
24 manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to
25 counties. The bonds shall be issued on behalf of the zone or
26 participating zones when the improvement has by the resolution,
27 provided in RCW 86.15.110, been found to be of benefit to a zone or

1 participating zones. The bonds may be in any form, including bearer
2 bonds or registered bonds.

3 Each revenue bond shall state on its face that it is payable from
4 a special fund, naming the fund and the resolution creating the fund.

5 Revenue bond principal, interest, and all other related necessary
6 expenses shall be payable only out of the appropriate special fund.

7 A zone or participating zones shall have a lien for delinquent
8 service charges, including interest thereon, against the premises
9 benefited by a flood control improvement or storm water control
10 improvement, which lien shall be superior to all other liens and
11 encumbrances except general taxes and local and special assessments.
12 The lien shall be effective and shall be enforced and foreclosed in the
13 same manner as provided for sewerage liens of cities and towns by RCW
14 35.67.200 through 35.67.290.

15 (2) Notwithstanding subsection (1) of this section, such bonds may
16 be issued and sold in accordance with chapter 39.46 RCW."

17 "**Sec. 16.** RCW 86.16.110 and 1987 c 109 s 23 are each reenacted and
18 amended to read as follows:

19 Any person, association, or corporation, public, municipal, or
20 private, feeling aggrieved at any order, decision, or determination of
21 the department or director pursuant to this chapter, affecting his or
22 her interest, may have the same reviewed pursuant to RCW 43.21B.310."

23 "NEW SECTION. **Sec. 17.** The department of fisheries and the
24 department of wildlife shall process hydraulic project applications
25 submitted under RCW 75.20.100 or 75.20.103 within thirty days of
26 receipt of the application. This requirement is only applicable for
27 the repair and reconstruction of legally constructed dikes, seawalls,

1 and other flood control structures damaged as a result of flooding or
2 windstorms that occurred in November and December 1990."

3 "NEW SECTION. Sec. 18. The following acts or parts of acts are
4 each repealed:

5 (1) RCW 86.15.040 and 1961 c 153 s 4;

6 (2) RCW 86.16.027 and 1987 c 109 s 51 & 1935 c 159 s 9;

7 (3) RCW 86.16.030 and 1987 c 109 s 52 & 1935 c 159 s 5;

8 (4) RCW 86.16.040 and 1987 c 109 s 54 & 1935 c 159 s 11;

9 (5) RCW 86.16.060 and 1987 c 109 s 55 & 1935 c 159 s 13;

10 (6) RCW 86.16.065 and 1987 c 109 s 56 & 1935 c 159 s 14;

11 (7) RCW 86.16.067 and 1987 c 109 s 57, 1985 c 469 s 86, & 1935 c
12 159 s 15;

13 (8) RCW 86.16.070 and 1987 c 109 s 58 & 1935 c 159 s 16;

14 (9) RCW 86.16.080 and 1987 c 109 s 59 & 1935 c 159 s 10;

15 (10) RCW 86.16.090 and 1987 c 109 s 60, 1939 c 85 s 2, & 1935 c 159
16 s 7; and

17 (11) RCW 86.16.170 and 1987 c 109 s 62 & 1973 c 75 s 3."

18 "NEW SECTION. Sec. 19. The department of community development
19 shall convene a state flood damage reduction commission composed of
20 twenty-two members as follows: (1) Four members of the senate, two
21 from each of the major caucuses, who are appointed by the president of
22 the senate; (2) four members of the house of representatives, two from
23 each of the major caucuses, who are appointed by the speaker of the
24 house of representatives; (3) the director of the department of
25 community development, or the director's designee, who shall act as
26 chair of the commission; (4) the director of the department of
27 fisheries, or the director's designee; (5) the director of the
28 department of wildlife, or the director's designee; (6) the director of

1 the department of agriculture, or the director's designee; (7) the
2 director of the department of ecology, or the director's designee; (8)
3 the director of the department of transportation, or the director's
4 designee, (9) the commissioner of public lands, or the commissioner's
5 designee; (10) the director of the parks and recreation commission, or
6 the director's designee; (11) four persons appointed by the governor
7 representing counties within which significant flood control
8 improvements have been constructed; (12) two persons appointed by the
9 governor representing conservation districts and special districts that
10 provide flood control improvements; and (13) two persons appointed by
11 the governor representing tribal governments.

12 The commission may seek assistance from appropriate federal
13 agencies, including the United States army corp of engineers. The
14 department of community development shall provide staff for the
15 commission and pay the expenses of commission members who are appointed
16 by the governor. The expenses of the legislative members shall be paid
17 by the legislature. The expenses of the state agency officials, or
18 their designees, shall be paid by their state agencies."

19 "NEW SECTION. Sec. 20. The state flood damage reduction
20 commission shall consider the development of comprehensive state flood
21 policies and a comprehensive and coordinated flood damage reduction
22 plan, including the following elements:

- 23 (1) Structural and nonstructural flood damage reduction projects;
24 (2) Forest practice effects on watershed hydraulics as determined
25 by applicable research projects conducted under the timber-fish-
26 wildlife cooperative monitoring, evaluation, and research program,
27 including: (a) Percentage of watershed clearcut; (b) logging in very
28 steep areas; and (c) logging in slide-prone areas;

1 (3) Growth management and land uses, including: (a) Flood plain
2 development patterns; (b) loss of potential natural flood water storage
3 areas; (c) future development restrictions in flood-prone areas; and
4 (d) coordination with the state's growth management act and county
5 flood comprehensive planning;

6 (4) Comprehensive watershed and flood damage management;

7 (5) Storm water runoff pattern alterations and accompanying
8 liabilities;

9 (6) Analysis of the federal, state, and local permitting
10 requirements necessary for projects designed to reduce future flood
11 damage or to restore areas damaged by floods, including any conflicting
12 requirements that may exist;

13 (7) Emergency work and coordination, and emergency preparedness
14 planning;

15 (8) Determination of the need for requirements to disclose the
16 flood hazard to purchasers or renters of flood-prone property;

17 (9) The role of dredging in flood damage reduction, including
18 environmental effects, funding sources, and upstream uses that alter
19 its effectiveness;

20 (10) The role of dikes and levees in flood damage reduction,
21 including environmental effects, construction and maintenance
22 standards, sources of funding for construction and maintenance, and
23 resultant upstream and downstream hydrologic effects;

24 (11) Review criteria for evaluating and approving local plans and
25 projects funded by grants from the flood control account; and

26 (12) Public acquisition of properties to reduce flood damage."

27 "NEW SECTION. Sec. 21. The state flood reduction commission
28 shall report its findings to the legislature on or before December 31,
29 1991. The report shall include the following: (1) Findings relating

1 to a state flood damage reduction plan; (2) commitments to implement
2 the plan; (3) recommended state agency regulation and policy changes;
3 (4) proposed legislation and associated costs to implement the state
4 flood damage reduction plan; and (5) recommended local flood reduction
5 and mitigation measures."

6 "NEW SECTION. Sec. 22. A new section is added to chapter 86.16
7 RCW to read as follows:

8 Local governments that have adopted flood plain management
9 regulations pursuant to this chapter shall include provisions that
10 allow for the establishment of livestock flood sanctuary areas at a
11 convenient location within a farming unit that contains domestic
12 livestock. Local governments may limit the size and configuration of
13 the livestock flood sanctuary areas, but such limitation shall provide
14 adequate space for the expected number of livestock on the farming unit
15 and shall be at an adequate elevation to protect livestock.
16 Modification to flood plain management regulations required pursuant to
17 this section shall be within the minimum federal requirements necessary
18 to maintain coverage under the national flood insurance program."

19 "NEW SECTION. Sec. 23. A new section is added to chapter 75.20
20 RCW to read as follows:

21 Whenever the placement of woody debris is required as a condition
22 of a hydraulic permit approval issued pursuant to RCW 75.20.100 or
23 75.20.103, the department of fisheries and the department of wildlife,
24 upon request, shall invite comment regarding that placement from the
25 local governmental authority, affected tribes, affected federal and
26 state agencies, and the project applicant."

1 "NEW SECTION. Sec. 24. The department of fisheries, the
2 department of wildlife, and the department of ecology will work
3 cooperatively with the United States army corps of engineers to develop
4 a memorandum of agreement outlining dike vegetation management
5 guidelines so that dike owners are eligible for coverage under P.L. 84-
6 99, and state requirements established pursuant to RCW 75.20.100 and
7 75.20.103 are met."

8 "**Sec. 25.** RCW 38.52.030 and 1986 c 266 s 25 are each amended to
9 read as follows:

10 (1) The director may employ such personnel and may make such
11 expenditures within the appropriation therefor, or from other funds
12 made available for purposes of emergency management, as may be
13 necessary to carry out the purposes of this chapter.

14 (2) The director, subject to the direction and control of the
15 governor, shall be responsible to the governor for carrying out the
16 program for emergency management of this state. The director shall
17 coordinate the activities of all organizations for emergency management
18 within the state, and shall maintain liaison with and cooperate with
19 emergency management agencies and organizations of other states and of
20 the federal government, and shall have such additional authority,
21 duties, and responsibilities authorized by this chapter, as may be
22 prescribed by the governor.

23 (3) The director shall develop and maintain a comprehensive, all-
24 hazard emergency plan for the state which shall include an analysis of
25 the natural and man-caused hazards which could affect the state of
26 Washington, and shall include the procedures to be used during
27 emergencies for coordinating local resources, as necessary, and the
28 resources of all state agencies, departments, commissions, and boards.
29 The comprehensive emergency management plan shall direct the department

1 in times of state emergency to administer and manage the state's
2 emergency operations center. This will include representation from all
3 appropriate state agencies and be available as a single point of
4 contact for the authorizing of state resources or actions, including
5 emergency permits. The comprehensive, all-hazard emergency plan
6 authorized under this subsection may not include preparation for
7 emergency evacuation or relocation of residents in anticipation of
8 nuclear attack. This plan shall be known as the comprehensive
9 emergency management plan.

10 (4) In accordance with the comprehensive emergency management plans
11 and the programs for the emergency management of this state, the
12 director shall procure supplies and equipment, institute training
13 programs and public information programs, and shall take all other
14 preparatory steps, including the partial or full mobilization of
15 emergency management organizations in advance of actual disaster, to
16 insure the furnishing of adequately trained and equipped forces of
17 emergency management personnel in time of need.

18 (5) The director shall make such studies and surveys of the
19 industries, resources, and facilities in this state as may be necessary
20 to ascertain the capabilities of the state for emergency management,
21 and shall plan for the most efficient emergency use thereof.

22 (6) The director may appoint a communications coordinating
23 committee consisting of six to eight persons with the director, or his
24 or her designee, as chairman thereof. Three of the members shall be
25 appointed from qualified, trained and experienced telephone
26 communications administrators or engineers actively engaged in such
27 work within the state of Washington at the time of appointment, and
28 three of the members shall be appointed from qualified, trained and
29 experienced radio communication administrators or engineers actively
30 engaged in such work within the state of Washington at the time of

1 appointment. This committee shall advise the director on all aspects
2 of the communications and warning systems and facilities operated or
3 controlled under the provisions of this chapter.

4 (7) The director shall appoint a state coordinator of search and
5 rescue operations to coordinate those state resources, services and
6 facilities (other than those for which the state director of
7 aeronautics is directly responsible) requested by political
8 subdivisions in support of search and rescue operations, and on request
9 to maintain liaison with and coordinate the resources, services, and
10 facilities of political subdivisions when more than one political
11 subdivision is engaged in joint search and rescue operations.

12 (8) The director, subject to the direction and control of the
13 governor, shall prepare and administer a state program for emergency
14 assistance to individuals within the state who are victims of a natural
15 or man-made disaster, as defined by RCW 38.52.010(6). Such program may
16 be integrated into and coordinated with disaster assistance plans and
17 programs of the federal government which provide to the state, or
18 through the state to any political subdivision thereof, services,
19 equipment, supplies, materials, or funds by way of gift, grant, or loan
20 for purposes of assistance to individuals affected by a disaster.
21 Further, such program may include, but shall not be limited to, grants,
22 loans, or gifts of services, equipment, supplies, materials, or funds
23 of the state, or any political subdivision thereof, to individuals who,
24 as a result of a disaster, are in need of assistance and who meet
25 standards of eligibility for disaster assistance established by the
26 department of social and health services: PROVIDED, HOWEVER, That
27 nothing herein shall be construed in any manner inconsistent with the
28 provisions of Article VIII, section 5 or section 7 of the Washington
29 state Constitution.

1 (9) The director shall appoint a state coordinator for radioactive
2 and hazardous waste emergency response programs. The coordinator shall
3 consult with the state radiation control officer in matters relating to
4 radioactive materials. The duties of the state coordinator for
5 radioactive and hazardous waste emergency response programs shall
6 include:

7 (a) Assessing the current needs and capabilities of state and local
8 radioactive and hazardous waste emergency response teams on an ongoing
9 basis;

10 (b) Coordinating training programs for state and local officials
11 for the purpose of updating skills relating to emergency response;

12 (c) Utilizing appropriate training programs such as those offered
13 by the federal emergency management agency, the department of
14 transportation and the environmental protection agency; and

15 (d) Undertaking other duties in this area that are deemed
16 appropriate by the director."

17 "NEW SECTION. **Sec. 26.** A new section is added to chapter 75.20
18 RCW to read as follows:

19 The department of fisheries, the department of wildlife, the
20 department of ecology, and the department of natural resources shall
21 jointly develop an informational brochure that describes when permits
22 and any other authorizations are required for flood damage prevention
23 and reduction projects, and recommends ways to best proceed through the
24 various regulatory permitting processes."

25 "NEW SECTION. **Sec. 27.** (1) This section shall apply only to
26 projects:

27 (a) Needed to repair damage done by the November or December 1990,
28 flood events, or remove accumulated debris and gravel that

1 significantly contributed to flooding during the November and December
2 1990, flood events; and

3 (b) That are not a substantial development as defined in chapter
4 90.58 RCW; and

5 (c) That require permits or other authorization for removal of
6 valuable materials as defined in RCW 79.90.060 or permits or
7 authorization under RCW 75.20.100 or 75.20.103.

8 (2) Any project undertaken under the provisions of this section
9 shall be completed by September 15, 1991.

10 (3) The department of fisheries, the department of wildlife, the
11 department of ecology, and the department of natural resources shall
12 expedite and coordinate any required responses to the project
13 application. A complete application for approval shall contain general
14 plans for the overall project, and complete plans and specifications of
15 the proposed construction or work. Upon receipt of a completed
16 application, the agency that first receives that application shall,
17 within fifteen days, schedule and hold a coordination meeting with all
18 appropriate state, local, or county permitting or authorizing agencies.
19 The project applicant shall be invited to this meeting. The
20 appropriate city, county, or town may coordinate their permit approval
21 processes with the state agencies. As soon as possible, but no later
22 than thirty days after the receipt of a complete application, all
23 appropriate state agencies will deny or approve the project. Any
24 conditions placed upon project approvals shall be coordinated among the
25 state agencies so that those conditions do not conflict."

26 "NEW SECTION. **Sec. 28.** Section 27 of this act is necessary for
27 the immediate preservation of the public peace, health, or safety, or
28 support of the state government and its existing public institutions,
29 and shall take effect immediately."

1 **ESSB 5411** - H COMM AMD
2 By Committee on Natural Resources & Parks

3

4 On page 1, line 1 of the title, after "damage;" strike the
5 remainder of the title and insert "amending RCW 36.70A.150, 82.02.090,
6 36.70A.070, 86.26.050, 86.26.090, 86.26.100, and 38.52.030; reenacting
7 and amending RCW 86.16.110; reenacting RCW 86.15.178; adding a new
8 section to chapter 90.03 RCW; adding a new section to chapter 36.70A
9 RCW; adding new sections to chapter 86.12 RCW; adding a new section to
10 chapter 86.15 RCW; adding a new section to chapter 86.16 RCW; adding
11 new sections to chapter 75.20 RCW; repealing RCW 86.15.040, 86.16.027,
12 86.16.030, 86.16.040, 86.16.060, 86.16.065, 86.16.067, 86.16.070,
13 86.16.080, 86.16.090, and 86.16.170; creating new sections; and
14 declaring an emergency."