

HOUSE BILL REPORT

ESB 5704

*As Reported By House Committee on:
Local Government*

Title: An act relating to flood control planning.

Brief Description: Ensuring that local governments have a flood control plan.

Sponsor(s): Senators Owen and Metcalf.

Brief History:

Reported by House Committee on:
Local Government, April 5, 1991, DPA.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass as amended.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: After severe flooding in 1933 and 1934, state legislation was enacted in 1935 establishing a state flood control zone program. Under this program, the state designated flood control zones and restricted development within these zones. Eighteen zones were identified in the first two years after enactment of this legislation, but none were designated subsequently.

In 1973 legislation was enacted permitting the State to delegate to counties and cities the authority to control the permitting requirements of the state flood control zone program.

Federal legislation was enacted in 1968 establishing the National Flood Insurance Program. Under this legislation, the federal government offers flood insurance to owners of property located in a 100- year flood plain if the county or city within whose planning jurisdiction the property is located participates in the flood insurance act program. A participating county or city must restrict some development activity in the flood plain and require buildings that are

constructed in the flood plain be constructed in such a manner so as to be "flood proofed." The federal government has mapped 100-year flood plains throughout the nation.

The failure of a county or city to participate in the National Flood Insurance Program can result in the following consequences:

- (1) Federal flood disaster assistance is limited throughout the county or city;
- (2) Financial institutions with a federal relationship, e.g. coverage by the Federal Depository Insurance Corporation (FDIC), are not allowed to make loans in the flood plain unless the property has flood insurance; and
- (3) Mortgages on property located in the 100-year flood plain that are sold on the secondary market, e.g. under the Federal National Mortgage Association (Fannie Mae), must have flood insurance.

The federal flood plain maps were accepted by the state as designating flood zones for purposes of the state flood zone program.

In 1987 state legislation was enacted requiring each county and city to participate in the National Flood Insurance Act. As of January 1, 1991, Mason County, Garfield County, and a few cities, do not participate in the National Flood Insurance Program.

Mason County experienced flooding in the Fall of 1990.

Different units of local government provide flood control improvements, including flood control zone districts.

Summary of Amended Bill: The Department of Ecology is required to adopt rules as of October 31, 1991, establishing development restrictions in a flood plain that meet the minimum requirements of the National Flood Insurance Program for any county, city or town that is located in a flood plain and has failed to adopt these restrictions.

Counties are permitted to adopt comprehensive flood control management plans for drainage basins that include designating areas susceptible to flooding, establishing a comprehensive scheme of flood control improvements, land use restrictions, construction restrictions, and restrictions on both removing vegetation and development activities that exacerbate flood problems. This plan is mandatory throughout the county. The portions of the plan relating to

land use restrictions and construction standards are minimum standards that a city or town may exceed. A variety of officials are permitted to participate with the county in the preparation of a comprehensive flood control management plan.

Counties may establish advisory committees of various officials to participate in the preparation of comprehensive flood control management plans and provide general advice on flood problems.

The purposes for which grants from the flood control account may be used are expanded to include cost sharing feasibility studies for new flood control projects and repairs of flood control facilities that include the enhancement of such facilities.

Flood control zone district laws are altered to remove the ability of the governing bodies of cities and towns to remove the city or town from inclusion in a newly created flood control zone district.

Within 30 days of application, the Department of Fisheries and Wildlife shall process hydraulic project applications for repair of legally constructed dikes, seawalls, and other flood control structures, that were damaged by floods or windstorms in November and December 1990.

A 22 member state flood damage reduction commission is created, including: (1) four members of the Senate; (2) four members of the House of Representatives; (3) the director of the Department of Community Development, or the director's designee, who acts as chair of the commission; (4) the director of the Department of Wildlife, or the director's designee; (5) the director of the Department of Fisheries, or the director's designee; (6) the director of the Department of Agriculture, or the director's designee; (7) the director of the Department of Ecology, or the director's designee; (8) the director of the Department of Transportation, or the director's designee; (9) the commissioner of Public Lands, or the commissioner's designee; (10) the director of the Parks and Recreation Commission, or the director's designee; (11) four persons appointed by the governor representing counties within which significant flood control improvements have been constructed; and (12) two persons representing conservation districts and special districts that have been created to provide flood control improvements.

The study commission shall study a variety of flood and flood related issues, and report its findings to the Legislature on or before December 31, 1991. These issues

include: (1) comprehensive watershed and flood damage management; (2) different permitting requirements; (3) flood control improvements; (4) growth management; (5) forest practice impacts on watershed hydraulics; and (6) the acquisition of property to reduce flood damages.

Each agency pays the expenses of its commission members and the Department of Community Development both staffs the commission and pays the expenses of the appointees.

Amended Bill Compared to Engrossed Bill: Language was added concerning comprehensive flood control management plans, flood control zone districts, and the state flood damage reduction commission.

Fiscal Note: Not requested.

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

Testimony For: Mason County recently had severe flooding and many property owners were damaged. Since the county does not participate in the National Flood Insurance Program, the damaged property owners did not get any federal assistance. The county has been "working" on it for eight years. The time is now.

Testimony Against: None.

Witnesses: (Pro): Senator Brad Owen, Prime Sponsor; Rod Mack, Department of Ecology; and Dave Williams, Association of Washington Cities.