



1 the extent necessary to accomplish the objects of this chapter. In  
2 addition, in an effort to alleviate flood damage and expenditures of  
3 government funds, the federal government adopted the national flood  
4 insurance act of 1968 and subsequently the flood disaster protection  
5 act of 1973. The department of ecology is the state agency in  
6 Washington responsible for coordinating the flood plain management  
7 regulation elements aspects of the national flood insurance program))  
8 climate and topography of the state create conditions that lead to  
9 frequent flood events throughout the state, and that several counties  
10 in the state have experienced great hardship and loss due to severe and  
11 repeated floods. The legislature also finds that some structural  
12 solutions to control flooding can disrupt the functions of a healthy  
13 river system resulting in significant damage to our riparian resources.  
14 The legislature therefore declares that the state flood policy is to  
15 reduce long-term flood damage in a manner that minimizes adverse  
16 impacts on our river systems.

17 NEW SECTION. Sec. 102. A new section is added to chapter 86.16  
18 RCW to read as follows:

19 Unless the context clearly requires otherwise, the definitions in  
20 this section apply throughout sections 101 through 103 of this act.

21 (1) "Base flood" or "one hundred year flood" means a flood having  
22 a one percent chance of being equaled or exceeded in any given year.

23 (2) "Department" means the department of ecology.

24 (3) "Federal emergency management agency floodway" means the  
25 channel of the stream and that portion of the adjoining flood plain  
26 that is necessary to contain and discharge the base flood flow without  
27 increasing the base flood elevation more than one foot.

28 (4) "Flood insurance study" means the official report provided by  
29 the federal insurance administration that includes flood profiles and  
30 the flood insurance rate map.

31 (5) "Flood insurance rate map" means the official map on which the  
32 federal insurance administration has delineated areas of flood hazard.

33 (6) "Flood plain" means any land area susceptible to being  
34 inundated by water from any inland or tidal waters creating a general  
35 and temporary condition of partial or complete inundation of normally  
36 dry land areas.

1 (7) "Flood-prone county" means a county, and all cities and towns  
2 within the county, having three or more federally declared flood  
3 disasters within the previous fifteen years.

4 (8) "Meander belt" means the present river channel, the portion of  
5 the river valley lying within the outside curves of a river channel,  
6 and any portion of the river valley that can be identified by previous  
7 river channels.

8 (9) "Substantial improvement" means any maintenance, repair,  
9 structural modification, addition, or other improvement of a structure  
10 that increases the footprint of a structure by fifty percent or more.

11 **Sec. 103.** RCW 86.16.041 and 1989 c 64 s 4 are each amended to read  
12 as follows:

13 (1) Beginning July 26, 1987, every county and incorporated city and  
14 town shall submit to the department of ecology any new flood plain  
15 management ordinance or amendment to any existing flood plain  
16 management ordinance. Such ordinance or amendment shall take effect  
17 thirty days from filing with the department unless the department  
18 disapproves such ordinance or amendment within that time period.

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

22 (a) Restriction of land uses within designated federal emergency  
23 management agency floodways including the prohibition of construction  
24 or reconstruction of residential structures except for: (i) Repairs,  
25 reconstruction, or improvements to a structure which do not increase  
26 the ground floor area; and (ii) repairs, reconstruction, or  
27 improvements to a structure the cost of which does not exceed fifty  
28 percent of the market value of the structure either, (A) before the  
29 repair, reconstruction, or repair is started, or (B) if the structure  
30 has been damaged, and is being restored, before the damage occurred.  
31 Work done (~~on structures to comply with existing health, sanitary, or~~  
32 ~~safety codes or~~) to structures identified as historic places shall not  
33 be included in the fifty percent determination; and

34 (b) The minimum requirements of the national flood insurance  
35 program(~~;~~ and

36 ~~(c) The minimum state requirements adopted pursuant to RCW~~  
37 ~~86.16.031(8) that are applicable to the particular county, city, or~~  
38 ~~town)).~~

1        NEW SECTION.    **Sec. 104.**    A new section is added to chapter 86.16  
2    RCW to read as follows:

3        (1) By May 1, 1994, the department shall establish and use state  
4    criteria to evaluate local flood plain management ordinances adopted  
5    pursuant to chapter 36.70A or 86.16 RCW solely for the purpose of  
6    making funding decisions. The criteria shall be consistent with the  
7    planning criteria identified in RCW 86.12.200 but shall recognize and  
8    accommodate the need for local flexibility in managing flood hazards.  
9    For cities and counties planning under chapter 36.70A RCW, the criteria  
10   shall require the local flood plain ordinance to be consistent with the  
11   local capital improvement plan. The department may establish more  
12   stringent criteria for counties or parts of counties that are flood  
13   prone.

14        (2) The department may not issue a grant or loan to fund a flood  
15   hazard reduction project under chapter 86.26 RCW to a city or county  
16   that has not adopted a flood plain ordinance that has been accepted by  
17   the department as meeting the criteria established pursuant to  
18   subsection (1) of this section.

19        (3) Within thirty days of receiving a local flood plain ordinance,  
20   the department shall make a decision as to whether or not the ordinance  
21   meets the criteria developed pursuant to subsection (1) of this section  
22   and transmit the decision to the applicable city or county and to the  
23   department of community, trade, and economic development. If the  
24   department finds that an ordinance does not meet the criteria, it shall  
25   provide a specific written statement explaining the deficiencies of the  
26   ordinance.

27        NEW SECTION.    **Sec. 105.**    A new section is added to chapter 38.52  
28    RCW to read as follows:

29        (1) An applicant for state matching funds for the public assistance  
30   and mitigation programs under P.L. 93-288 Secs. 404, 406, and 407, is  
31   eligible only if the department of community, trade, and economic  
32   development has received a statement from the department of ecology  
33   verifying that the county, city, or town has adopted a flood plain  
34   ordinance that meets the criteria established pursuant to section  
35   104(1) of this act.

36        (2) Within a flood-prone county, an applicant for state matching  
37   funds for the public assistance and mitigation programs under P.L. 93-  
38   288 Secs. 404, 406, and 407, is eligible only if the county has

1 prepared a local comprehensive flood hazard management plan meeting the  
2 requirements of RCW 86.12.200. This requirement is in addition to the  
3 requirement under subsection (1) of this section.

4 (3) The department shall reference or incorporate in the state  
5 flood hazard mitigation plan each local ordinance that meets the  
6 criteria established pursuant to section 104(1) of this act.

7 (4) Nothing in subsection (2) of this section prohibits a state  
8 agency or tribal government from receiving state matching funds for the  
9 public assistance and mitigation programs under P.L. 93-288 Secs. 404,  
10 406, and 407.

11 **Sec. 106.** RCW 86.16.020 and 1989 c 64 s 1 are each amended to read  
12 as follows:

13 State-wide flood plain management regulation shall be exercised  
14 through: (1) Local governments' administration of the national flood  
15 insurance program regulation requirements, (2) the establishment of  
16 minimum state requirements for flood plain management that ~~((equal))~~  
17 include the minimum federal requirements for the national flood  
18 insurance program, and (3) the issuance of regulatory orders. This  
19 regulation shall be exercised over the planning, construction,  
20 operation and maintenance of any works, structures and improvements,  
21 private or public, which might, if improperly planned, constructed,  
22 operated and maintained, adversely influence the regimen of a stream or  
23 body of water or might adversely affect the security of life, health  
24 and property against damage by flood water.

25 **Sec. 107.** RCW 86.16.045 and 1989 c 64 s 6 are each amended to read  
26 as follows:

27 A county, city, or town may adopt flood plain management ordinances  
28 or requirements that exceed state requirements or the minimum federal  
29 requirements of the national flood insurance program ~~((without  
30 following the procedures provided in RCW 86.16.031(8)))~~.

31 **Sec. 108.** RCW 86.26.010 and 1984 c 212 s 2 are each amended to  
32 read as follows:

33 The department of ecology shall have charge for the state of the  
34 administration and enforcement of all laws relating to flood  
35 ~~((control))~~ hazard management and shall adopt rules as necessary to  
36 implement the provisions of this chapter.



1        (2) A comprehensive flood ~~((control))~~ hazard management plan shall  
2 include the following elements:

3        ~~((1))~~ (a) Designation of areas that are susceptible to periodic  
4 flooding, from inundation by bodies of water or surface water runoff,  
5 or both, including the river's meander belt or floodway;

6        ~~((2))~~ (b) Establishment of a comprehensive scheme of flood  
7 ~~((control))~~ hazard protection and improvements for the areas that are  
8 subject to such periodic flooding, that includes: ~~((a))~~

9        (i) Determining the need for, and desirable location of, flood  
10 ~~((control))~~ hazard reduction improvements to protect or preclude flood  
11 damage to structures, works, and improvements, based upon a  
12 ~~((cost/benefit))~~ cost-benefit ratio between the expense of providing  
13 and maintaining these improvements and the benefits arising from these  
14 improvements; ~~((b))~~

15        (ii) Establishing the level of flood protection that each portion  
16 of the system of flood ~~((control))~~ hazard reduction improvements will  
17 be permitted; ~~((c))~~

18        (iii) Identifying the positive and negative impacts of periodic  
19 flooding to riparian natural resources;

20        (iv) Identifying potential impacts of in-stream flood hazard  
21 reduction work on the state's in-stream resources, meander belt, or  
22 floodway and considering alternatives to in-stream flood ~~((control))~~  
23 hazard reduction work; ~~((d))~~

24        (v) Identifying flood storage areas where flood waters could be  
25 directed during a flood to avoid damage to buildings and other  
26 structures; ~~((and (e)))~~

27        (vi) Identifying areas where a river may migrate into a new channel  
28 and considering alternatives to protect the new channel;

29        (vii) Identifying practices that will avoid long-term accretion of  
30 sediments; and

31        (viii) Identifying sources of revenue that will be sufficient to  
32 finance the comprehensive scheme of flood ~~((control))~~ hazard management  
33 protection and improvements, including but not limited to compensating  
34 owners of land designated as a flood storage area;

35        ~~((3) Establishing))~~ (c) Establishment of land use regulations,  
36 within a river's meander belt or floodway that ~~((preclude the location~~  
37 of structures, works, or improvements in critical portions of such  
38 areas subject to periodic flooding, including a river's meander belt or  
39 floodway, and permitting only flood-compatible land uses in such areas;

1 ~~(4) Establishing restrictions on~~): (i) Allow only flood-  
2 compatible land-uses. These uses may include, but shall not be limited  
3 to agriculture, recreation, and transportation; (ii) restrict  
4 construction activities ((in areas subject to periodic floods that  
5 require the flood proofing of those structures that are permitted to be  
6 constructed or remodeled; and

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

12 (3) Each comprehensive flood hazard management plan prepared by a  
13 city, town, or special district shall be consistent with the county  
14 flood hazard management plan. Each plan prepared by a county shall  
15 include criteria to judge consistency. At a minimum, the criteria  
16 shall be based on the ability of the plan to:

17 (a) Protect existing flood storage and conveyance;

18 (b) Control storm water runoff; and

19 (c) Meet the goals of subsection (1) of this section.

20 (4) Inconsistencies between a county flood hazard management plan  
21 and a city, town, or special district comprehensive flood hazard  
22 management plan shall be resolved by a growth management hearings  
23 board.

24 ~~(5) A comprehensive flood ((control)) hazard management plan shall~~  
25 ~~be subject to the minimum requirements for participation in the~~  
26 ~~national flood insurance program((7)) and any flood plain requirements~~  
27 ~~exceeding the minimum national flood insurance program ((that have been~~  
28 ~~adopted by the department of ecology for a specific flood plain~~  
29 ~~pursuant to RCW 86.16.031, and rules adopted by the department of~~  
30 ~~ecology pursuant to RCW 86.26.050 relating to flood plain management~~  
31 ~~activities)).~~

32 (6) When a county plans under chapter 36.70A RCW, it ((may)) shall  
33 incorporate the portion of its comprehensive flood control management  
34 plan relating to land use restrictions in its comprehensive plan and  
35 development regulations adopted pursuant to chapter 36.70A RCW.

36 NEW SECTION. Sec. 202. A new section is added to chapter 86.12  
37 RCW to read as follows:



1 (1) Each county comprehensive flood hazard management plan shall be  
2 consistent with any other county flood hazard management plan prepared  
3 for the same watershed.

4 (2) Inconsistencies between a county comprehensive flood management  
5 plan and another county comprehensive flood management plan prepared  
6 for the same watershed shall be resolved by a growth management  
7 hearings board upon petition of the department of ecology, a local  
8 government within the watershed, or twenty-five or more citizens in the  
9 area of the watershed.

10 **Sec. 203.** RCW 86.26.050 and 1991 c 322 s 6 are each amended to  
11 read as follows:

12 (1) State participation shall be in such preparation of  
13 comprehensive flood ~~((control))~~ hazard management plans under this  
14 chapter and chapter 86.12 RCW, cost sharing feasibility studies for new  
15 flood ~~((control))~~ hazard reduction projects, ~~((projects pursuant to  
16 section 33, chapter 322, Laws of 1991,))~~ and flood ~~((control  
17 maintenance))~~ hazard reduction projects as are affected with a general  
18 public and state interest, as differentiated from a private interest,  
19 and as are likely to bring about public benefits commensurate with the  
20 amount of state funds allocated thereto.

21 (2) The department of ecology shall adopt rules concerning the  
22 flood plain management activities of a county, city, or town that are  
23 adequate to protect or preclude flood damage to structures, works, and  
24 improvements, including the restriction of land uses within a river's  
25 meander belt or floodway to only flood-compatible uses.

26 (3) No participation for flood ~~((control maintenance))~~ hazard  
27 reduction projects may occur with a county or other municipal  
28 corporation unless the director of ecology has approved the flood plain  
29 management ~~((activities))~~ ordinances of the county, city, or town  
30 having planning jurisdiction over the area where the flood ~~((control  
31 maintenance))~~ hazard reduction project will be, on the one hundred year  
32 flood plain surrounding such area.

33 ~~((The department of ecology shall adopt rules concerning the flood  
34 plain management activities of a county, city, or town that are  
35 adequate to protect or preclude flood damage to structures, works, and  
36 improvements, including the restriction of land uses within a river's  
37 meander belt or floodway to only flood-compatible uses. Whenever the  
38 department has approved county, city, and town flood plain management~~

1 activities, as a condition of receiving an allocation of funds under  
2 this chapter, each revision to the flood plain management activities  
3 must be approved by the department of ecology, in consultation with the  
4 department of fisheries and the department of wildlife.))

5 (4) No participation with a county or other municipal corporation  
6 for flood ((control maintenance)) hazard reduction projects may occur  
7 unless the county engineer of the county within which the flood  
8 ((control maintenance)) hazard reduction project is located certifies  
9 that a comprehensive flood ((control)) hazard management plan has been  
10 completed and adopted by the appropriate local authority, or is being  
11 prepared for all portions of the river basin or other area, within  
12 which the project is located in that county, that are subject to  
13 flooding with a frequency of one hundred years or less.

14 ((+3)) (5) Participation for flood ((control maintenance)) hazard  
15 reduction projects and preparation of comprehensive flood ((control))  
16 hazard management plans shall be made from grants made by the  
17 department of ecology from the flood ((control)) hazard reduction  
18 assistance account. In making allocation decisions on planning grants,  
19 the department shall give first priority to counties that have been  
20 designated as flood prone. The comprehensive flood ((control)) hazard  
21 management plans of flood-prone counties, and any revisions to the  
22 plans, must be approved by the department of ecology, in consultation  
23 with affected Indian tribes, the department of transportation, and the  
24 department of ((fisheries and the department of)) fish and wildlife as  
25 a condition of receiving funds for hazard reduction projects under this  
26 chapter. ((The department may only grant financial assistance to local  
27 governments that, in the opinion of the department, are making good  
28 faith efforts to take advantage of, or comply with, federal and state  
29 flood control programs.))

30 (6) For purposes of this section, "flood hazard reduction project"  
31 means any structural or nonstructural project.

32 NEW SECTION. Sec. 204. A new section is added to chapter 86.12  
33 RCW to read as follows:

34 (1) A county legislative authority may impose a tax on each owner  
35 of a surface mining operation located within the county and in which  
36 gravel is mined. The tax shall be at a rate not exceeding one dollar  
37 on each cubic yard of gravel mined. At the option of the county  
38 legislative authority, the following may be exempt from the tax:

1 Gravel taken from property owned by a governmental entity; and/or  
2 gravel removed from a river bed where the removal aids in flood  
3 control.

4 (2) The proceeds from the tax imposed under subsection (1) of this  
5 section may be used only for the following flood control purposes:

6 (a) To pay for or assist in paying for the costs of flood control  
7 measures on old logging roads where the measures are designed to limit  
8 or prevent the transfer of sediments to river systems;

9 (b) To pay for the costs of planning activities relating to the  
10 origin of sediments, the transfer of sediments, and the deposit of  
11 sediments;

12 (c) To pay for or assist in paying for the removal of sediments  
13 from river systems; and

14 (d) To pay for the costs of collecting the tax.

15 **Sec. 205.** RCW 86.15.030 and 1969 ex.s. c 195 s 2 are each amended  
16 to read as follows:

17 Upon receipt of a petition asking that a zone be created, or upon  
18 motion of the board, the board shall adopt a resolution which shall  
19 describe the boundaries of such proposed zone; describe in general  
20 terms the flood control needs or requirements within the zone; set a  
21 date for public hearing upon the creation of such zone, which shall be  
22 not more than thirty days after the adoption of such resolution.  
23 Notice of such hearing and publication shall be had in the manner  
24 provided in RCW 36.32.120(7).

25 At the hearing scheduled upon the resolution, the board shall  
26 permit all interested parties to be heard. Thereafter, the board may  
27 reject the resolution or it may modify the boundaries of such zone and  
28 make such other corrections or additions to the resolutions as they  
29 deem necessary to the accomplishment of the purpose of this chapter:  
30 PROVIDED, That if the boundaries of such zone are enlarged, the board  
31 shall hold an additional hearing following publication and notice of  
32 such new boundaries: PROVIDED FURTHER, That the boundaries of any zone  
33 shall generally follow the boundaries of the watershed area affected:  
34 PROVIDED FURTHER, That the immediately preceding proviso shall in no  
35 way limit or be construed to prohibit the formation of a county-wide  
36 flood control zone district authorized to be created by RCW 86.15.025.

1        Within (~~ten~~) thirty days after final hearing on a resolution, the  
2 board shall issue its (~~order~~) ordinance creating the flood control  
3 zone district.

4        **Sec. 206.** RCW 86.15.050 and 1961 c 153 s 5 are each amended to  
5 read as follows:

6        The board (~~of county commissioners of each county~~) shall be ex  
7 officio, by virtue of their office, supervisors of the zones created in  
8 each county. The supervisors of the district shall conduct the  
9 business of the flood control zone district according to the regular  
10 rules and procedures that it adopts.

11        **Sec. 207.** RCW 86.15.160 and 1986 c 278 s 60 are each amended to  
12 read as follows:

13        For the purposes of this chapter the supervisors may authorize:

14        (1) An annual excess ad valorem tax levy within any zone or  
15 participating zones when authorized by the voters of the zone or  
16 participating zones under RCW 84.52.052 and 84.52.054;

17        (2) An assessment upon property, including state property,  
18 specially benefited by flood control improvements or storm water  
19 control improvements imposed under chapter 86.09 RCW;

20        (3) Within any zone or participating zones an annual ad valorem  
21 property tax levy of not to exceed fifty cents per thousand dollars of  
22 assessed value when the levy will not take dollar rates that other  
23 taxing districts may lawfully claim and that will not cause the  
24 combined levies to exceed the constitutional and/or statutory  
25 limitations, and the additional levy, or any portion thereof, may also  
26 be made when dollar rates of other taxing units is released therefor by  
27 agreement with the other taxing units from their authorized levies  
28 under chapter 39.67 RCW;

29        (4) A charge, under RCW 36.89.080 through 36.89.100, for the  
30 furnishing of service to those who are receiving or will receive  
31 benefits from storm water control facilities and who are contributing  
32 to an increase in surface water runoff. Except as otherwise provided  
33 in RCW 90.03.525, any public entity and public property, including the  
34 state and state property, shall be liable for the charges to the same  
35 extent a private person and privately owned property is liable for the  
36 charges, and in setting these rates and charges, consideration may be

1 made of in-kind services, such as stream improvements or donation of  
2 property;

3 (5) The creation of local improvement districts and utility local  
4 improvement districts, the issuance of improvement district bonds and  
5 warrants, and the imposition, collection, and enforcement of special  
6 assessments on all property, including any state-owned or other  
7 publicly-owned property, specially benefited from improvements in the  
8 same manner as provided for counties by chapter 36.94 RCW.

9 **PART III**

10 **FLOOD HAZARD INFORMATION**

11 **Sec. 301.** RCW 58.19.055 and 1992 c 191 s 5 are each amended to  
12 read as follows:

13 (1) A public offering statement shall contain the following  
14 information:

15 (a) The name, and the address or approximate location, of the  
16 development;

17 (b) The name and address of the developer;

18 (c) The name and address of the management company, if any, for the  
19 development;

20 (d) The relationship of the management company to the developer, if  
21 any;

22 (e) The nature of the interest being offered for sale;

23 (f) A brief description of the permitted uses and use restrictions  
24 pertaining to the development and the purchaser's interest therein;

25 (g) The number of existing lots, parcels, units, or interests in  
26 the development and either the maximum number that may be added to the  
27 development or the fact that such maximum number has not yet been  
28 determined;

29 (h) A list of the principal common amenities in the development  
30 which materially affect the value of the development and those that  
31 will or may be added to the development;

32 (i) The identification of any real property not in the development,  
33 the owner of which has access to any of the development, and a  
34 description of the terms of such access;

35 (j) The identification of any real property not in the development  
36 to which owners in the development have access and a description of the  
37 terms of such access;

- 1 (k) The status of construction of improvements in the development,  
2 including either the estimated dates of completion if not completed or  
3 the fact that such estimated completion dates have not yet been  
4 determined; and the estimated costs, if any, to be paid by the  
5 purchaser;
- 6 (l) The estimated current owners' association expense, if any, for  
7 which a purchaser would be liable;
- 8 (m) An estimate of any payment with respect to any owners'  
9 association expense for which the purchaser would be liable at closing;
- 10 (n) The estimated current amount and purpose of any fees not  
11 included in any owners' association assessments and charged by the  
12 developer or any owners' association for the use of any of the  
13 development or improvements thereto;
- 14 (o) Any assessments which have been agreed to or are known to the  
15 developer and which, if not paid, may constitute a lien against any  
16 portion of the development in favor of any governmental agency;
- 17 (p) The identification of any parts of the development which any  
18 purchaser will have the responsibility for maintaining;
- 19 (q) A brief description of any blanket encumbrance which is subject  
20 to the provisions of RCW 58.19.180;
- 21 (r) A list of any physical hazards known to the developer which  
22 particularly affect the development or the immediate vicinity in which  
23 the development is located and which are not readily ascertainable by  
24 the purchaser;
- 25 (s) A brief description of any construction warranties to be  
26 provided to the purchaser;
- 27 (t) Any building code violation citations received by the developer  
28 in connection with the development which have not been corrected;
- 29 (u) A statement of any unsatisfied judgments or pending suits  
30 against any owners' association involved in the development and a  
31 statement of the status of any pending suits material to the  
32 development of which the developer has actual knowledge;
- 33 (v) A notice which describes a purchaser's right to cancel the  
34 purchase agreement or extend the closing under RCW 58.19.045(3),  
35 including applicable time frames and procedures;
- 36 (w) A list of the documents which the prospective purchaser is  
37 entitled to receive from the developer before the rescission period  
38 commences;
- 39 (x) A notice which states:

1 "A purchaser may not rely on any representation or express warranty  
2 unless it is contained in the public offering statement or made in  
3 writing signed by the developer or by any person identified in the  
4 public offering statement as the declarant's agent";

5 (y) A notice which states:

6 "This public offering statement is only a summary of some of the  
7 significant aspects of purchasing an interest in this development and  
8 any documents which may govern or affect the development may be  
9 complex, may contain other important information, and create binding  
10 legal obligations. You should consider seeking assistance of legal  
11 counsel"; and

12 (z) Any other information and cross-references which the developer  
13 believes will be helpful in describing the development to the  
14 recipients of the public offering statement, all of which may be  
15 included or not included at the option of the developer.

16 (2) The public offering statement shall include copies of each of  
17 the following documents: Any declaration of covenants, conditions,  
18 restrictions, and reservations affecting the development; any survey,  
19 plat, or subdivision map; the articles of incorporation of any owners'  
20 association; the bylaws of any owners' association; the rules and  
21 regulations, if any, of any owners' association; current or proposed  
22 budget for any owners' association; and the balance sheet of any  
23 owners' association current within ninety days if assessments have been  
24 collected for ninety days or more.

25 If any of the foregoing documents listed in this subsection are not  
26 available because they have not yet been executed, adopted, or  
27 recorded, drafts of such documents shall be provided with the public  
28 offering statement, and, before closing the sale of an interest in the  
29 development, the purchaser shall be given copies of any material  
30 changes between the draft of the proposed documents and the final  
31 documents.

32 (3) The disclosures required by subsection (1)(v), (x), and (y) of  
33 this section shall be located at the top of the first page of the  
34 public offering statement and be typed or printed in ten-point bold  
35 face type size.

36 (4) The disclosures required by subsection (1)(r) of this section  
37 shall be listed on a separate page from the other disclosures required  
38 by this section and shall be printed or typed in ten-point type. If

1 the development or any portion of the development described in the  
2 public offering statement is located within the area mapped as the one  
3 hundred year flood plain as shown on flood insurance rate maps provided  
4 by the federal emergency management agency for the national flood  
5 insurance program, this shall be listed as a physical hazard under  
6 subsection (1)(r) of this section.

7 NEW SECTION. **Sec. 302.** A new section is added to chapter 64.04  
8 RCW to read as follows:

9 The seller of real property located in an area mapped in the one  
10 hundred year flood plain, as shown on the most recent flood insurance  
11 rate maps provided by the federal emergency management agency for the  
12 national flood insurance program, shall inform the buyer that the  
13 property is located in the one hundred year flood plain and may be  
14 subject to land use restrictions. The seller shall inform the buyer in  
15 the first written document constituting an agreement of sale. Proof of  
16 notification prior to closing is the responsibility of the seller.

17 NEW SECTION. **Sec. 303.** A new section is added to chapter 64.04  
18 RCW to read as follows:

19 The location of real property within the area mapped as the one  
20 hundred year flood plain, as shown on flood insurance rate maps  
21 provided by the federal emergency management agency for the national  
22 flood insurance program, is declared to be a hidden defect in the real  
23 property that shall be disclosed by the seller of the real property or  
24 an ownership interest in the real property.

25 **Sec. 304.** RCW 86.16.031 and 1989 c 64 s 3 are each amended to read  
26 as follows:

27 The department of ecology shall:

28 (1) Review and approve county, city, or town flood plain management  
29 ordinances pursuant to RCW 86.16.041;

30 (2) When requested, provide guidance and assistance to local  
31 governments in development and amendment of their flood plain  
32 management ordinances;

33 (3) Provide technical assistance to local governments in the  
34 administration of their flood plain management ordinances;

35 (4) Provide local governments and the general public with  
36 information related to the national flood insurance program;



1 (5) When requested, provide assistance to local governments in  
2 enforcement actions against any individual or individuals performing  
3 activities within the flood plain that are not in compliance with  
4 local, state, or federal flood plain management requirements;

5 (6) Establish state minimum requirements that (~~equal minimum~~)  
6 include federal requirements for the national flood insurance program;

7 (7) Assist counties, cities, and towns in identifying the location  
8 of the one hundred year flood plain, and petitioning the federal  
9 government to alter its designations of where the one hundred year  
10 flood plain is located if the federally recognized location of the one  
11 hundred year flood plain is found to be inaccurate; and

12 (8) (~~Establish minimum state requirements for specific flood~~  
13 ~~plains that exceed the minimum federal requirements for the national~~  
14 ~~flood insurance program, but only if:~~

15 ~~(a) The location of the one hundred year flood plain has been~~  
16 ~~reexamined and is certified by the department as being accurate;~~

17 ~~(b) negotiations have been held with the affected county, city, or~~  
18 ~~town over these regulations;~~

19 ~~(c) public input from the affected community has been obtained; and~~

20 ~~(d) the department makes a finding that these increased~~  
21 ~~requirements are necessary due to local circumstances and general~~  
22 ~~public safety)) File copies of the flood insurance rate maps, provided  
23 by the federal emergency management agency for the national flood  
24 insurance program, with the county auditor in each county in which  
25 property shown on the maps is located. The department shall, on an  
26 annual basis, file revised maps with each county auditor in counties  
27 for which the maps are revised.~~

28 **PART IV**

29 **MISCELLANEOUS**

30 NEW SECTION. **Sec. 401.** Part headings as used in this act  
31 constitute no part of the law.

32 NEW SECTION. **Sec. 402.** If any provision of this act or its  
33 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

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