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

7 "NEW SECTION. **Sec. 1.** The purpose of this act is to permit
8 counties to adopt a comprehensive system of flood control management
9 and protection within drainage basins and to coordinate the flood
10 control activities of the state, counties, cities, towns, and special
11 districts within such drainage basins."

12 "NEW SECTION. **Sec. 2.** A new section is added to chapter 86.12 RCW
13 to read as follows:

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

17 A comprehensive flood control management plan shall include the
18 following elements:

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

22 (2) Establishment of a comprehensive scheme of flood control
23 protection and improvements for the areas that are subject to such
24 periodic flooding, that includes: (a) Determining the need for, and
25 desirable location of, flood control improvements to protect or
26 preclude flood damage to structures, works, and improvements, based
27 upon a cost/benefit ratio between the expense of providing and

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

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

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

16 (5) Establishing restrictions on land clearing activities and
17 development practices that exacerbate flood problems by increasing the
18 flow or accumulation of flood waters, or the intensity of drainage, on
19 low-lying areas.

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

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

3 A comprehensive flood control management plan that includes an area
4 within which a city or town, or a special district subject to chapter
5 85.38 RCW, is located shall be developed by the county with the
6 participation of officials from the city, town, or special district,
7 including conservation districts, and appropriate state and federal
8 agencies. Where a comprehensive flood control management plan is being
9 prepared for a river that is part of the common boundary between two
10 counties, the county legislative authority of the county preparing the
11 plan may allow participation by officials of the adjacently located
12 county.

13 A comprehensive flood control management plan shall be binding on
14 each city, town, and special district that is located within an area
15 included in the plan, except that the land use regulations and
16 restrictions on construction activities contained in a comprehensive
17 flood control management plan applicable to a city or town shall be
18 minimum standards that the city or town may exceed."

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

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

1 **"Sec. 5.** RCW 86.26.050 and 1988 c 36 s 64 are each amended to read
2 as follows:

3 (1) State participation shall be in such preparation of
4 comprehensive flood control management plans under this chapter and
5 chapter 86.12 RCW, cost sharing feasibility studies for new flood
6 control projects, and flood control maintenance projects as are
7 affected with a general public and state interest, as differentiated
8 from a private interest, and as are likely to bring about public
9 benefits commensurate with the amount of state funds allocated thereto.

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

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

26 No participation with a county or other municipal corporation for
27 flood control maintenance projects may occur unless the county engineer
28 of the county within which the flood control maintenance project is
29 located certifies that a comprehensive flood control management plan
30 has been completed and adopted by the appropriate local authority, or

1 is being prepared for all portions of the river basin or other area,
2 within which the project is located in that county, that are subject to
3 flooding with a frequency of one hundred years or less.

4 (3) Participation for flood control maintenance projects and
5 preparation of comprehensive flood control management plans shall be
6 made from grants made by the department of ecology from the flood
7 control assistance account. Comprehensive flood control management
8 plans, and any revisions to the plans, must be approved by the
9 department of ecology, in consultation with the department of fisheries
10 and the department of wildlife. The department may only grant
11 financial assistance to local governments that, in the opinion of the
12 department, are making good faith efforts to take advantage of, or
13 comply with, federal and state flood control programs."

14 "Sec. 6. RCW 86.26.090 and 1984 c 212 s 7 are each amended to read
15 as follows:

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

1 maintenance of works or structures maintained solely for the detention
2 or storage of flood waters."

3 "Sec. 7. RCW 86.26.100 and 1986 c 46 s 4 are each amended to read
4 as follows:

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

21 "NEW SECTION. **Sec. 8.** A new section is added to chapter 86.15 RCW
22 to read as follows:

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

26 "**Sec. 9.** RCW 86.15.178 and 1983 c 315 s 23 and 1983 c 167 s 212
27 are each reenacted to read as follows:

1 (1) The supervisors may authorize the issuance of revenue bonds to
2 finance any flood control improvement or storm water control
3 improvement. The bonds may be issued by the supervisors in the same
4 manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to
5 counties. The bonds shall be issued on behalf of the zone or
6 participating zones when the improvement has by the resolution,
7 provided in RCW 86.15.110, been found to be of benefit to a zone or
8 participating zones. The bonds may be in any form, including bearer
9 bonds or registered bonds.

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

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

14 A zone or participating zones shall have a lien for delinquent
15 service charges, including interest thereon, against the premises
16 benefited by a flood control improvement or storm water control
17 improvement, which lien shall be superior to all other liens and
18 encumbrances except general taxes and local and special assessments.
19 The lien shall be effective and shall be enforced and foreclosed in the
20 same manner as provided for sewerage liens of cities and towns by RCW
21 35.67.200 through 35.67.290.

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

24 "**Sec. 10.** RCW 86.16.110 and 1987 c 109 s 23 are each reenacted and
25 amended to read as follows:

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

1 "NEW SECTION. Sec. 11. The department of fisheries and the
2 department of wildlife shall process hydraulic project applications
3 submitted under RCW 75.20.100 or 75.20.103 within thirty days of
4 receipt of the application. This requirement is only applicable for
5 the repair and reconstruction of legally constructed dikes, seawalls,
6 and other flood control structures damaged as a result of flooding or
7 windstorms which occurred in November and December, 1990."

8 "NEW SECTION. Sec. 12. The following acts or parts of acts are
9 each repealed:

- 10 (1) RCW 86.15.040 and 1961 c 153 s 4;
- 11 (2) RCW 86.16.027 and 1987 c 109 s 51 & 1935 c 159 s 9;
- 12 (3) RCW 86.16.030 and 1987 c 109 s 52 & 1935 c 159 s 5;
- 13 (4) RCW 86.16.040 and 1987 c 109 s 54 & 1935 c 159 s 11;
- 14 (5) RCW 86.16.060 and 1987 c 109 s 55 & 1935 c 159 s 13;
- 15 (6) RCW 86.16.065 and 1987 c 109 s 56 & 1935 c 159 s 14;
- 16 (7) RCW 86.16.067 and 1987 c 109 s 57, 1985 c 469 s 86, & 1935 c
17 159 s 15;
- 18 (8) RCW 86.16.070 and 1987 c 109 s 58 & 1935 c 159 s 16;
- 19 (9) RCW 86.16.080 and 1987 c 109 s 59 & 1935 c 159 s 10;
- 20 (10) RCW 86.16.090 and 1987 c 109 s 60, 1939 c 85 s 2, & 1935 c 159
21 s 7; and
- 22 (11) RCW 86.16.170 and 1987 c 109 s 62 & 1973 c 75 s 3."

23 **SHB 1490** - H COMM AMD
24 By Committee on Appropriations

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26 On page 1, line 1 of the title, after "management;" strike the
27 remainder of the title and insert "amending RCW 86.26.050, 86.26.090,
28 and 86.26.100; reenacting and amending RCW 86.16.110; reenacting RCW

1 86.15.178; adding new sections to chapter 86.12 RCW; adding a new
2 section to chapter 86.15 RCW; creating new sections; and repealing RCW
3 86.15.040, 86.16.027, 86.16.030, 86.16.040, 86.16.060, 86.16.065,
4 86.16.067, 86.16.070, 86.16.080, 86.16.090, and 86.16.170."