

HOUSE BILL REPORT

ESHB 1490

*As Passed House
March 15, 1991*

Title: An act relating to flood control management.

Brief Description: Changing provisions relating to flood control management.

Sponsor(s): By House Committee on Local Government (originally sponsored by Representatives R. Johnson, Haugen, Roland, Kremen, Rayburn, Spanel, Rust, Braddock, Scott and Paris).

Brief History:

Reported by House Committee on:
Local Government, February 26, 1991, DPS;
Appropriations, March 9, 1991, DPS(LG)-A;
Passed House, March 15, 1991, 97-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *That Substitute House Bill No. 1490 be substituted therefor, and the substitute bill do pass.* Signed by 13 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nelson; Rayburn; Roland; Wood; and Wynne.

Minority Report: *Do not pass.* Signed by 1 member: Representative Zellinsky.

Staff: Steve Lundin (786-7127).

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill by Committee on Local Government be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 29 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson;

Fuhrman; Hine; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Sprenkle; Valle; Vance; Wang; and Wineberry

Staff: Nancy Stevenson (786-7137).

Background: A wide variety of laws have been enacted authorizing local governments to provide drainage and flood control facilities and improvements, including counties, cities, towns, diking districts, drainage districts, diking improvement districts, drainage improvement districts, flood control districts, and flood control zone districts.

A flood control zone district is a special district that can be created by the county legislative authority of a county on either a countywide basis or a drainage basin basis. The county legislative authority acts as the governing body of a flood control zone district. Flood control zone districts are authorized to provide drainage and flood control improvements and to finance these improvements by: (1) imposing special assessments; (2) imposing rates and charges in the same manner as a county imposes rates and charges in a stormwater utility; (3) levying a regular property tax of up to 50 cents per \$1,000 of assessed valuation; and (4) levying excess, voter approved, property tax levies.

Each biennium \$4 million is placed into the flood control account. The Legislature can appropriate moneys in the flood control account to be used for grants to local governments to repair flood control facilities and to prepare comprehensive flood control management plans.

Various activities in a body of water are permitted only if a hydraulics permit for the activities has been issued by the Department of Fisheries or the Department of Wildlife.

Summary of Bill: 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. Grants from the flood control account may be made to a local government only if in the opinion of the Department of Ecology, the local government is making a good faith effort to take advantage of, or conform with, federal and state flood control programs.

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.

Fiscal Note: Requested March 9, 1991.

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

Testimony For: (Local Government): This will allow a comprehensive look at flood problems on a river basin-wide basis. We need to take a look at the big picture. The money is needed for damaged facilities.

(Appropriations): Five million dollars in funding for local government facilities damaged in November, 1990 flooding is provided for. Comprehensive river-wide basin planning is provided for.

Testimony Against: (Local Government): None.

(Appropriations): None.

Witnesses: (Local Government): Susan Markey, Dept. of Fisheries (pro with amendment); (Pro:) Dave Williams, Association of Washington Cities; Don Thomas, Marshland Flood Control; Rod Mack, Department of Ecology; Bob Hulbert, Skagit County Diking Dist. No. 8; Richard Smith, Skagit County Diking Dist. No. 3; Herb Walter, Skagit County Dist. No. 17; Ruth Wylie, David Brookings, Skagit County; Ward Lawler, Snohomish County Diking Commissioner; and Ed Larsen, Snohomish County.

(Appropriations): Jean Amulexen, Department of Community Development; Representative Johnson, prime sponsor; and Representative Wynne.