

SENATE BILL REPORT

SB 5810

AS OF MARCH 1, 1993

Brief Description: Providing for flood damage reduction.

SPONSORS: Senators Erwin and M. Rasmussen

SENATE COMMITTEE ON NATURAL RESOURCES

Staff: John Stuhlmiller (786-7446)

Hearing Dates: March 3, 1993

BACKGROUND:

Widespread flooding in the fall and winter of 1990 led the Legislature to examine the causes of flooding and measures which might reduce both its likelihood and any subsequent damage. With this heightened awareness came a sense of urgency from the public in flood-prone areas to address these issues as quickly as possible.

Areas of concern expressed in public forums focused on the complexity of the permit process and the time required to complete applications for flood control projects. Also of concern is the time required by the various agencies to complete the permit approval or denial process.

As a result of legislative action in 1990, ESSB 5411 created the Joint Select Committee on Flood Damage Reduction. The committee issued its final report in December of 1992.

SUMMARY:

Zero-Rise: A zero-rise floodway is established in all unincorporated areas of each county in the state. The zero-rise floodway is defined as the 100 year floodplain except where specific, special study has been done which indicates otherwise. No construction may take place in the zero-rise floodway which raises the base flood elevation by more than .01 feet. Homes may be built in the zero-rise floodway if the lot to be built upon was in existence prior to the effective date of the act and if the lot contains less than 5,000 square feet of buildable land. Homes built in the floodway must have a total footprint of not more than 2,000 square feet.

On a one-time basis, a substantial improvement may increase the total building footprint beyond 2,000 square feet if the improvement does not increase the total building footprint by more than 20 percent. Also, an exemption is provided for agricultural lands.

The Department of Ecology is to develop rules to implement a zero-rise floodway by July 1, 1994.

Flood Planning: Counties must complete flood plans by December 31, 1997 in order to access funds in the Flood Control Assistance Account Program.

Cities and towns are precluded from annexing land within the floodplain unless zoning and use restrictions consistent with the county flood plan are established.

The Department of Ecology is to create a watershed management task force to facilitate water resource management on a watershed basis. A report is due to the Legislature by June 30, 1994.

The Department of Community Development is to designate a lead agency for the state's flood plan.

Funding: The Flood Control Assistance Account Program fund is renamed Flood Hazard Reduction Assistance Account Program and is increased to \$10 million. The account is to receive \$10 million in new monies from the general fund each biennium.

Department of Transportation: The Department of Transportation (DOT) is required to assess all areas in the state where road or bridge construction has impacted the flood plain and the normal flow of flood waters, and report its findings and plan for corrective action by December 31, 1993.

DOT is also required to participate in flood damage reduction projects for which state projects benefit. Such participation is to be not less than 10 percent of the total project cost.

Hydraulic Permits: In making hydraulic permit decisions the Departments of Fisheries and Wildlife must approve a project if (1) it improves fish life over the long term to compensate for potential short-term losses or, (2) protects structures likely to incur damage in the next flood season, if the impact on fish life is lessened because the project is not done as an emergency project during a flood.

Projects involving the repair of existing flood hazard reduction facilities are exempt from the hydraulic project approval (HPA) process if they are consistent with the county flood plan and are necessary to avoid flood damage during the next flood season.

The hydraulic permit process for agriculture and flood damage reduction projects is modified to allow the process to be completed concurrently with the SEPA process; however, SEPA must be satisfied prior to issuance of final approval.

Appeals: Individuals who win a Hydraulics or Shoreline Management Act permit appeal may be awarded legal and engineering costs involved in the appeal.

Interagency Cooperation and Coordination: The Departments of Fisheries, Wildlife, Natural Resources, and Ecology are required to coordinate their activities and improve their interaction in terms of permit deliberation and requirements in order to minimize duplication and create a comprehensive, streamlined permit process that is easily understandable by permit applicants.

Gravel Removal: The Department of Natural Resources is authorized to reduce or eliminate royalties when making contracts for the removal of material from a stream, if the material is to be used for flood control purposes. Royalties may be paid as the material is sold rather than all up front.

The Department of Fisheries and Department of Wildlife's gravel removal administrative code is codified. Changes include: (1) establishment of an excavation line parallel to the water's edge; (2) establishment of the minimum gradient upward from the excavation line at 1/2 percent; and, (3) allowing excavated materials to be stored within the high water mark from June 15 to October 15.

The Department of Natural Resources' river management administrative code is codified. Changes include allowing sand and gravel removal: (1) regardless of the availability of alternative upland sources; (2) if it will contribute to increased flood protection value to private or public land; (3) when detached bars and islands are involved on a case by case basis; and, (4) that has accumulated due to lack of dredging or scalping in an amount equal to the annual deposit of a stream multiplied by the number of years since the last removal operation.

Flood Control Zone Districts: A number of technical changes are made to facilitate the creation and operation of flood control zone districts. Counties, in creating flood control zone districts, have 30 (current law allows 10) days to issue an ordinance creating a district. Supervisors of a flood control zone district shall conduct the business of the district. References to language affecting the funding of flood control zone districts are modified.

Flood Hazard Disclosure: The disclosure procedures to inform buyers in real estate transactions that the property for sale is in the 100 year flood plain as mapped by FEMA are strengthened. A requirement that federal flood insurance information be included on disclosure page is included.

The Department of Ecology is required to file FEMA flood insurance rate maps with the county auditor in each county, and shall file revised maps on an annual basis for those counties that have revisions.

Appropriation: \$10 million from general fund each biennium

Revenue: none

Fiscal Note: none requested

