
HOUSE BILL 2066

State of Washington 56th Legislature 1999 Regular Session

By Representatives Dunshee and Linville

Read first time 02/15/1999. Referred to Committee on Local Government.

1 AN ACT Relating to allowing the reconstruction of a damaged or
2 destroyed dwelling located in a floodway if at least fifty percent of
3 the market value of the dwelling has been damaged or destroyed and the
4 dwelling is the principal residence of a farmer engaged in commercial
5 agriculture on adjacent land that is owned by the farmer; and amending
6 RCW 86.16.041.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 86.16.041 and 1989 c 64 s 4 are each amended to read
9 as follows:

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

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

1 (a) Restriction of land uses within designated floodways including
2 the prohibition of construction or reconstruction of residential
3 structures except as provided under subsection (3) of this section or
4 except for: (i) Repairs, reconstruction, or improvements to a
5 structure which do not increase the ground floor area; and (ii)
6 repairs, reconstruction, or improvements to a structure the cost of
7 which does not exceed fifty percent of the market value of the
8 structure either, (A) before the repair, reconstruction, or repair is
9 started, or (B) if the structure has been damaged, and is being
10 restored, before the damage occurred. Work done on structures to
11 comply with existing health, sanitary, or safety codes or to structures
12 identified as historic places shall not be included in the fifty
13 percent determination;

14 (b) The minimum requirements of the national flood insurance
15 program; and

16 (c) The minimum state requirements adopted pursuant to RCW
17 86.16.031(8) that are applicable to the particular county, city, or
18 town.

19 (3) A residence located in a floodway, that has lost at least fifty
20 percent of its market value by being damaged or destroyed, may be
21 reconstructed or replaced on the floodway with expenditures exceeding
22 fifty percent of the residence's prior market value if, in addition to
23 complying with the conditions of subsection (2)(b) and (c) of this
24 section, the following conditions are met:

25 (a) The residence is the principal residence of a farmer who owns
26 the residence;

27 (b) The principal livelihood of the farmer is to engage in
28 commercially viable agriculture activities on land immediately adjacent
29 to the residence that the farmer also owns;

30 (c) The adjacent land that is owned and farmed by the farmer has
31 been designated as agricultural lands of long-term commercial
32 significance under RCW 36.70A.170;

33 (d) The reconstructed or replaced residence is located on the same
34 site as the damaged or destroyed residence, has a total square footage
35 that is not in excess of the square footage of the damaged or destroyed
36 residence, and does not increase the total square footage of the
37 encroachment of the damaged or destroyed residence into the floodway;

38 (e) There is no other potential building site on the adjacent land
39 owned by the farmer that is outside of the floodway;

1 (f) The elevation of the lowest floor, including a basement, of the
2 reconstructed or replaced residence is at least one foot above the base
3 flood elevation;

4 (g) A new or replacement water system is designed to eliminate or
5 minimize infiltration of flood waters into the system;

6 (h) A new or replacement sanitary sewerage system is designed and
7 located to eliminate or minimize infiltration of flood waters into the
8 system and discharge from the system into the flood waters; and

9 (i) All other utilities and connections to public utilities are
10 designed, constructed, and located to eliminate or minimize flood
11 damage.

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