

AGENDA
King County Flood Hazard Management Plan Update
Citizen's Committee Meeting # 3
February 15, 2012 5:00 – 8:00
Mercer Island Community Center
8236 SE 24th Street
Mercer Island, WA 98040

Objectives:

- Understand what role the King County Flood Control District should play in urban and small stream flooding and coastal flooding.
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|---|-------------|
| 1. Welcome and Citizens Committee Introductions | 5:00 – 5:05 |
| 2. Housekeeping | 5:05 – 5:10 |
| <ul style="list-style-type: none">• Meeting protocols• Review of Minutes from January 10, 2012 meeting | |
| 3. Role of Flood Control District in coastal flooding | 5:10 – 6:20 |

Question:

Should the Flood Control District's capital program include funding for coastal flood and erosion risk reduction projects?

Options to Consider:

1. Capital funding used for river and stream flooding only; limit coastal funding to existing commitments previously adopted by the Board.
2. Capital funding for coastal areas only if the U.S. Army Corps of Engineers finds there is a federal interest in the project.
3. Capital funding for coastal areas is considered only to reduce risk to public property or infrastructure.
4. Capital funding for coastal areas is evaluated based on consequence, severity, and urgency alongside other flood risk reduction actions.
5. Capital funding for coastal areas should be provided only on the condition that additional resources are provided such that other projects are not deferred, and there is a significant cost-share from other funding sources.

BREAK 6:20 – 6:30

4. Role of Flood Control District in urban and small streams flooding 6:30 – 7:45

Question:

How should flood district funds be allocated for urban flooding and small streams that are not the ‘focus’ of the 2006 FHMP?

Options to Consider:

1. As a first step toward achieving the intent of RCW 86.12.210, work with cities to inventory floodplain land use policies and regulations, and collaboratively identify ways to improve the integration of floodplain land use practices across jurisdictional boundaries.
2. Evaluate all projects based on prioritization criteria; no direct allocation for the Opportunity Fund.
3. Same as #2, but urban flooding problems are eligible if they cross jurisdictional boundaries.
4. Opportunity Funds available only for those jurisdictions that do not have capital projects funded within their jurisdiction within a set timeframe (i.e. the prior year or two of appropriations).
5. Revise Opportunity Fund to a competitive process.
6. Increase Opportunity Fund allocation to jurisdictions. This increase could potentially be combined with options 3 or 4, and it could also be backed by additional revenue.
7. Connect eligibility for capital project funding with compliance with land use policies and regulations that help to limit residual risk and reduce the need for more capital projects over time.

5. General Public Comments 7:45 – 7:55

6. Preparation for Next Meeting 7:55 – 8:00

Next Meeting: Tuesday, March 13, 5:00 – 8:00, Mercer Island Community Center

2012 KING COUNTY FLOOD HAZARD MANAGEMENT PLAN UPDATE
February 1, 2012

TOPIC:

Capital project funding for coastal flood and erosion risks

STATEMENT OF ISSUE:

Should the Flood Control District's capital program include funding for coastal flood and erosion risk reduction projects?

BACKGROUND:

The geographic scope of the 2006 King County Flood Hazard Management Plan includes the unincorporated and incorporated areas of King County, with a 'focus' on the major river floodplains and their significant tributaries. The 2006 Plan also includes a recommendation to cost-share hazard mapping studies with FEMA for marine shorelines so that this technical information identifying hazard areas can be made available to jurisdictions, other public agencies, as well as the residents and businesses exposed to these hazards. While the adopted plan for King County calls for a 'focus' on major rivers, the state authorization for flood districts does allow for improvements that include "the extension, enlargement, construction, or acquisition of dikes and levees, drain and drainage systems, dams and reservoirs, or other flood control or storm water control improvements; widening, straightening, or relocating of stream or water courses; and the acquisition, extension, enlargement, or construction of any works necessary for the protection of stream and water courses, channels, harbors, life, and property" (RCW 86.15.100).

When the 10-year work plan was developed for the newly formed countywide Flood Control District in 2007, the capital project list included \$2M for a feasibility study for a potential coastal project (replacement of the Elliott Bay Seawall). During subsequent discussions in 2010 of a proposal to provide additional engineering design support for the Seawall project, the technical staff participating in the Basin Technical Committees and the elected officials on the Advisory Committee did not question the need to replace the Seawall, but many requested additional clarity regarding whether the capital project prioritization policies and criteria in the 2006 Plan were intended to be applied to coastal projects such as the Seawall. The Board provided some clarification with respect to the Elliott Bay Seawall in 2011 by adopting a technical amendment to the Plan and appropriating \$4.25M for pre-engineering design support, along with a commitment to provide an additional \$25.75M in the six-year capital program. In the motion adopting the amendment, the Board cited RCW 86.15.100, noted the consequence and severity of a seawall failure on the region's economy, and cited a U.S. Army Corps of Engineers finding that there is a 'federal interest' in rehabilitating the Elliott Bay Seawall.

While the decision to cost-share the Elliott Bay Seawall is not in question, the Board has requested input from the Citizen Committee to more clearly articulate a policy for coastal risk reduction actions along the unincorporated Vashon/Maury Islands shoreline and the incorporated shorelines along Puget Sound.

The Board also asked for input on urban and small stream flooding, which is related but discussed in a separate issue paper.

ALTERNATIVES TO CONSIDER (stand-alone or in combinations):

1. Capital funding used for river and stream flooding only; limit coastal funding to existing commitments previously adopted by the Board.
PRO: Maintains focus on reducing flood and channel migration risks in mapped floodplains of King County while continuing technical support for hazard identification and mapping. Would not impact projects identified on the existing CIP.
CON: Coastal risk reduction projects that might otherwise be considered high priority would not be funded by the Flood Control District.
2. Capital funding for coastal areas only if the U.S. Army Corps of Engineers finds there is a federal interest in the project.
PRO: Ensures that the public safety and economic benefits of the project are clearly defined and regional in scope.
CON: Places a higher standard on coastal project funding than river floodplain projects. May displace existing high-priority floodplain projects.
3. Capital funding for coastal areas is considered only to reduce risk to public property or infrastructure.
PRO: Ensures that public funding is not used to rebuild private seawalls and bulkheads.
CON: Places a higher standard on coastal project funding than river floodplain projects, where public property and infrastructure are given greater weight but private property is considered. May displace existing high-priority projects.
4. Capital funding for coastal areas is evaluated based on consequence, severity, and urgency alongside other flood risk reduction actions.
PRO: Consistent treatment of risk reduction needs, regardless of freshwater versus saltwater distinctions.
CON: Unless additional revenue is obtained, consideration of additional needs could delay high priority projects that have already been identified along major river systems.
5. Possible addition to the options listed above:
Capital funding for coastal areas should be provided only on the condition that additional resources are provided such that other projects are not deferred, and there is a significant cost-share from other funding sources.
PRO: Matches expenditure increases with revenue increase so that other high-priority flood risk reduction needs are not delayed.

CON: Options to obtain additional funding are limited.

ADDITIONAL RESOURCES:

1. Preliminary map of public and private shoreline armoring along King County marine shorelines
 2. Flood Control District's Motion amending the 2006 Flood Plan (FCD 2011-05)
 3. Advisory Committee Annual Recommendations (August 2010):
http://your.kingcounty.gov/dnrp/library/water-and-land/flooding/kcfzcd/KCFCD_advisory_committee_2011_draft_recommendations.pdf
 4. Advisory Committee Q&A on the Elliott Bay Seawall (April 2010)
http://your.kingcounty.gov/dnrp/library/water-and-land/flooding/kcfzcd/03_Advisory%20Committee%20Q&A_DRAFT.pdf
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Legislation Text

File #: FCD2011-05, **Version:** 1

Drafter

Clerk 09/13/2011

title

A RESOLUTION relating to the comprehensive plan for the King County Flood Control Zone District, and amending the plan to include pre-construction activity for the Alaskan Way seawall replacement flood control project.

body

WHEREAS, King County Ordinance 15728 created the King County Flood Control Zone District ("District") and adopted the 2006 King County Flood Hazard Management Plan ("District Comprehensive Plan") as the initial comprehensive plan for the District; and

WHEREAS, the scope of the District Comprehensive Plan includes regional and local flood hazard management actions in incorporated and unincorporated King County; and

WHEREAS, the US Army Corps of Engineers in its approved October 17, 2003 Reconnaissance Report found that there is a federal interest in pursuing a feasible project that will protect the public facilities and economic activities along the Elliott Bay shoreline in those portions of downtown Seattle that could be impacted by coastal storm damage, including potential failure of the existing Alaskan Way seawall; and

WHEREAS, the District utilizes flood risk evaluation criteria in ranking proposed flood management and prevention projects for priority in terms of funding and scheduling for project implementation; and

WHEREAS, application of the District flood risk evaluation criteria resulted in the Alaskan Way seawall replacement flood control project receiving the highest possible score of 100 percent; and

WHEREAS, the Board has approved the expenditure of \$4.25 million of District funds for a segment of the Alaskan Way seawall replacement flood control project in the District's 2011 capital budget; and

WHEREAS, RCW 86.15.110 requires that the District adopt a resolution stating that a comprehensive plan of development for flood control has been prepared for the stream or water course upon which a flood district funded improvement will be enlarged, extended, acquired, or constructed, and that the improvement generally contributes to the objectives of the comprehensive plan of development; and

WHEREAS, RCW 86.15.110 also provides that the comprehensive plan shall be first submitted to the State Department of Ecology at least ninety days in advance of the beginning of any flood control project or improvement, and shall be subject to all the regulatory control provisions of the Department of Ecology;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING COUNTY FLOOD CONTROL ZONE DISTRICT:

SECTION 1. The Board of Supervisors approves the Alaskan Way seawall replacement flood control project, preconstruction activity, as stated in Section 2 of this Resolution ("Project"). The Project generally contributes to the objectives of the District's comprehensive plan, which is the 2006 King County Flood Hazard Management Plan ("District Comprehensive Plan").

SECTION 2. The District Comprehensive Plan is amended by:

1. Adding the phrase "and subsequent planning efforts" to the end of the first sentence of page 1 of Appendix G, Flood Hazard Management Risk Areas, so that such sentence reads as follows: "This appendix contains a complete listing of the flooding and erosion

related risk areas identified by the River and Floodplain Management staff during the preparation of the 2006 King County Flood Hazard Management Plan and subsequent planning efforts.”

2. Adding the table on Attachment A of this Resolution, which by reference is incorporated herein, to the end of Appendix G, Flood Hazard Management Risk Areas (page 124 of Appendix G).

SECTION 3. The King County Water and Land Resources Division, as service provider to the District under the terms of the Interlocal Agreement between the District and King County, is directed to submit the amendments to

the District Comprehensive Plan stated in Section 2 of this Resolution to the Washington State Department of Ecology.

2012 KING COUNTY FLOOD HAZARD MANAGEMENT PLAN UPDATE

February 15, 2012

For Discussion Purposes Only

TOPIC: Urban Flooding and Small Streams

STATEMENT OF ISSUE:

How should flood district funds allocated for urban flooding and small streams that are not the ‘focus’ of the 2006 FHMP?

BACKGROUND:

The adopted 2006 King County Flood Hazard Management Plan (FHMP) includes policies and actions related to hazard identification and mapping, outreach and communications about these hazards, land use management (including regulations, acquisitions, and elevations), channel maintenance (including sediment and wood management), and rehabilitation of flood risk reduction structures (levees and revetments). The geographic scope of the 2006 King County Flood Hazard Management Plan includes the unincorporated and incorporated areas of King County, but the plans calls for a ‘focus’ on the major river floodplains and their significant tributaries. Under state law (RCW 86.12.210), countywide flood plans shall be adopted by each jurisdiction within 120 days. Because this statute has not been enforced, the 2006 plan includes a policy stating that minimum compliance with the National Flood Insurance Program (NFIP) constitutes ‘consistency’ with the 2006 Plan. Analysis is needed to more fully understand the extent to which city land use policies are integrated with FHMP policies, and the reason for deviation from these countywide policies.

Capital projects identified in the FHMP are prioritized and sequenced using a scoring system that evaluates the consequence, severity, and urgency of each problem as well as implementation factors such as readiness, multiple floodplain benefits, partnerships, and cost-sharing.

During the initial discussions of the Advisory Committee following the formation of the Flood District, King County staff clarified that while the state law authorizing flood districts allows funds to be used for both flooding and stormwater management, King County’s original intent was to address regional flood management rather than local stormwater problems resulting from land development that are typically addressed through local stormwater utilities. However, jurisdictions outside the major river floodplains have countered that ‘flooding is flooding’, whether due to runoff caused by land development or by land development in locations where rivers naturally overtop their banks.

With the establishment of the countywide Flood Control District and a new property tax to provide revenue for high-priority projects and programs that provide regional benefits, several have sought additional funding for projects outside the major river floodplains that are the focus of the Plan. Since the formation of the District the Board has provided direction through the budget process based on three key Advisory Committee recommendations:

1. ‘Flooding is flooding’ – regardless of whether on major rivers or small streams, projects should be evaluated using the prioritization criteria. If, for example, a small stream floods

a state highway posing a threat to life safety and interfering with regional economic activities, than it should be judged on these attributes rather than the size of the waterbody.

2. The capital project prioritization process has been refined to more clearly recognize 'regional economic benefits', and the implementation criteria have also been enhanced to recognize whether a jurisdiction has an active CIP program of their own and undertakes planning efforts to reduce flood risk, as evidenced by their rating under FEMA's Community Rating System.
3. Consistent with these two recommendations, additional projects outside of the major river floodplains have been included in the District's capital program, including two small stream projects and one coastal project.
4. In recognition of the fact that communities throughout King County have flooding and water quality problems, the Board established a 'Subregional Opportunity Fund' that allocates a portion of all tax revenue collected to all jurisdictions proportional to property taxes generated in each jurisdiction. The fund has been set at 10% of tax revenues since its establishment in 2009; in 2012 this amounted to \$3.6 million. For example, if 35% of the property taxes collected come from one jurisdiction, than that jurisdiction receives 35% of the Opportunity Fund. Funds must be used consistent with the requirement in state law and the Board's adopted resolution.

As noted above the requirement that countywide flood plans be adopted by cities has not been rigorously enforced by the Department of Ecology, and many of the land use elements of the 2006 Plan are unlikely to be supported by all jurisdictions. In an external expert review of King County's floodplain program, it was noted that the resulting differential land use standards may result in flood risks being transferred from one jurisdiction to another, and may also result in the need for capital funding to mitigate the effects of developing in at-risk areas.

ALTERNATIVES TO CONSIDER:

1. As a first step toward achieving the intent of RCW 86.12.210, work with cities to inventory floodplain land use policies and regulations, and collaboratively identify ways to improve the integration of floodplain land use practices across jurisdictional boundaries.
PROS: Builds understanding of different regulatory approaches and areas where integration could be improved so that land use practices do not unintentionally increase risks or result in the need for capital investments such as new levees.
CON: Staff time and resources for multiple jurisdictions; does not enable the letter of RCW 86.12.210 to be met within 120 days of plan adoption.
2. Evaluate all projects based on prioritization criteria; no direct allocation for the Opportunity Fund
PRO: Provides for a more transparent and accountable allocation of funds in the capital program
CON: Opportunity Funds have the potential to help leverage other funds for local stormwater drainage issues, and provide significant funding flexibility for local governments.

3. Same as #2, but urban flooding problems are eligible if they cross jurisdictional boundaries.
PRO: Enables funding for drainage problems that cross jurisdictional boundaries and may therefore not be adequately addressed via the local stormwater utility.
CON: High-priority flood problems may exist within basins that are entirely located in one jurisdiction

3. Opportunity Funds available only for those jurisdictions that do not have capital projects funded within their jurisdiction within a set timeframe (i.e. the prior year or two of appropriations)
PRO: More clearly focuses Opportunity Fund on those jurisdictions that are not already directly benefiting from the larger capital program (mainly floodplain cities).
CON: Floodplain jurisdictions would not be able to access Opportunity Funds for local drainage issues, to cost-share grants, etc.

4. Revise Opportunity Fund to a competitive process.
PRO: Provides for a more transparent and accountable Opportunity Fund, and depending on the size of individual awards it could fully rather than partially fund projects.
CON: Competitive process might put jurisdictions with fewer resources at a disadvantage.

5. Increase Opportunity Fund allocation to jurisdictions. This increase could potentially be combined with options 3 or 4, and it could also be backed by additional revenue.
PRO: Provide additional direct funding support for local stormwater needs
CON: May divert funds from existing high-priority projects unless matched with revenue

6. Connect eligibility for capital project funding with compliance with land use policies and regulations that help to limit residual risk and reduce the need for more capital projects over time.
PRO: Encourages jurisdictions to pro-actively reduce flood risks via land use policies
CON: Need better understanding of why cities are reluctant to adopt higher regulatory standards. Consider survey to understand the opportunities and constraints for integrated land use policies.

ADDITIONAL RESOURCES:

1. Flooding vs Stormwater Background paper

<http://your.kingcounty.gov/dnrp/wlr/flood/flood-control-zone-district/advisory-committee-docs/pdf/070720-meeting/15-faq-swm-x-fczd.pdf>

2. Opportunity Fund Resolution (KCFCD2008-10.2)

3. Advisory Committee report on the formation of the Opportunity Fund and revision to the capital project prioritization approach.

http://your.kingcounty.gov/dnrp/library/water-and-land/flooding/kcfcd/2008_Annual-Report.pdf



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 4, 2008

FCZD Resolution

Proposed No. FCZD2008-10.2

1 A RESOLUTION relating to the Subregional Opportunity Fund,
2 establishing an allocation process, eligibility criteria, and a
3 mechanism for distributing the King County Flood Control Zone
4 District's Opportunity Fund, and amending Resolution
5 FCZD2007-03.2, section 11.

6

7 BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING
8 COUNTY FLOOD CONTROL ZONE DISTRICT:

9 SECTION 1. Findings:

10 A. The King County Flood Control Zone District was created by the King County
11 Council in April 2007 by Ordinance 15728, which included the creation of a fifteen
12 member advisory committee of elected officials to provide expert policy advice to the
13 board of supervisors of the district on regional flood protection issues, and to review and
14 recommend an annual work program and budget for the district, including capital
15 improvement program projects and funding levels.

16 B. The board of supervisors seeks to address in an equitable manner flooding
17 problems that occur along the mainstem rivers of King County including their major

18 tributaries and flooding problems that occur in those jurisdictions that provide funding
19 but which experience flooding unrelated to mainstem rivers and major tributaries.

20 C. In Resolution FCZD2007-03.2 the board of supervisors approved the district's
21 2008 annual work program and budget to support the 2008 budget and implement the
22 2008 work program. Ten percent of the district's revenues were allocated to an
23 "opportunity fund" for addressing "subregional" flooding problems unrelated to main-
24 stream river and major tributaries.

25 D. Resolution FCZD2007-03.2 further provided that the advisory committee
26 develop a definition for "subregional" projects that qualify for the opportunity fund and
27 provide a recommendation to the district regarding this matter.

28 E. In response to this directive, the advisory committee's 2008 agenda included
29 discussions related to defining what types of flood protection projects constitute
30 "subregional facilities" and to establishing criteria for determining which projects qualify
31 for the district's capital improvement project list and which qualify for the "subregional
32 opportunity fund."

33 F. During two meetings in May 2008, the advisory committee considered a
34 variety of options related to the criteria and types of projects eligible for the "subregional
35 opportunity fund." The advisory committee unanimously recommended to the board of
36 supervisors that the opportunity funds be distributed to each jurisdiction based on a
37 proportional share of 10% of the total King County assessed valuation as collected within
38 each jurisdiction, and that the opportunity funds be used for any project or activity that is
39 consistent with the statutory authorization of chapter 86.15 RCW, the state statute under
40 which the district is authorized and functions.

41 G. Under RCW 86.15.110, district funds may be expended for flood control
42 improvements that are extended, enlarged, acquired or constructed, provided a
43 comprehensive plan of development for flood control has been developed and the
44 improvement contributes to the objectives of the plan and the plan has been submitted to
45 and approved by the Washington state department of ecology. In addition, for
46 improvements that are to be newly constructed, preliminary engineering studies and plans
47 must have been developed, and such plans and studies must be on file with the district's
48 engineer. For all projects, cost estimates and underlying data must be provided and the
49 benefit provided by the improvement must be described.

50 H. Also, under RCW 86.15.110, district funds may be expended for stormwater
51 control improvements that are extended, enlarged, acquired or constructed, provided a
52 comprehensive plan for stormwater control has been prepared for the area and the
53 improvement is consistent with the plan. In addition, for improvements that are to be
54 newly constructed, preliminary engineering studies and plans must have been developed,
55 and such plans and studies must be on file with the district's engineer. For all projects,
56 cost estimates and underlying data must be provided and the benefit provided by the
57 improvement must be described.

58 I. Under RCW 86.15.035 and 39.34.190, district funds may be expended for
59 cooperative watershed management actions, including watershed management
60 partnerships and other intergovernmental agreements, for the purposes of water supply,
61 water quality, and water resource and habitat protection and management, provided the
62 funds expended are used for the implementation of watershed management plans.

63 J. It is the intent of the board of supervisors to distribute the 2008 and 2009
64 opportunity funds as part of the 2009 budget process.

65 SECTION 2. The board of supervisors hereby adopts the recommendations of the
66 advisory committee that eligibility of projects be based on consistency with chapter 86.15
67 RCW; however, expenditures under RCW 86.15.035 and RCW 39.34.190 for salmonid
68 habitat protection shall be linked to the construction of a flood or stormwater project.
69 The allocation of opportunity funds to each jurisdiction shall be based on that
70 jurisdiction's proportional contribution to the overall King County assessed valuation, as
71 collected.

72 SECTION 3. Resolution FCZD 2007-03.2 is amended to read as follows:
73 Ten percent of the district's revenues shall be allocated towards projects addressing
74 "subregional" flooding problems (~~(unrelated to main stem rivers and large tributaries)~~) in
75 each jurisdiction. These revenues should constitute an "opportunity fund" and the
76 advisory committee shall develop a definition for "subregional" projects that qualify for
77 the "opportunity fund" and shall provide a recommendation to the district. Attachment D
78 to this resolution shall be amended as needed to reflect the changes resulting from this
79 section.

80 SECTION 4. The board of supervisors directs the department of natural resources
81 and parks to review applications to ensure that the required information is complete and
82 that the proposed projects and activities are eligible under section 2 of this resolution.

83 SECTION 5. The board of supervisors directs the department of natural resources
84 and parks to review applications to ensure that the required information is complete and
85 that the proposed activities are eligible under the provisions of chapter 86.15 RCW.

86 SECTION 6. The board of supervisors recognizes that jurisdictions are not
87 precluded from seeking to fund one or more activities each year, from allowing funds to
88 accumulate over time, provided such accumulation is provided for in the jurisdiction's
89 application, or from contributing funds toward activities that are part of the district's
90 existing work program.

91 SECTION 7. The board of supervisors directs the department of natural resources
92 and parks to incorporate proposed opportunity fund activities into a single project list for
93 approval by the board as part of the annual work program and budget approval process.

94 SECTION 8. The board of supervisors authorizes the executive director to enter
95 into an interlocal agreement on behalf of the district with each of the jurisdictions within
96 the district defining the scope, schedule, budget, milestones, and deliverables for
97 activities funded through the opportunity fund, in substantial conformity to the form of
98 the agreement to be established by the board of supervisors as described in section 4. It is
99

FCZD Resolution

100 the intent of the board to amend this agreement annually upon approval of the annual
101 budget and work program.

102

FCZD Resolution was introduced on 9/29/2008 and passed as amended by the King County Flood Control District on 9/29/2008, by the following vote:

Yes: 9 - Mr. Dunn, Mr. Ferguson, Mr. Gossett, Ms. Lambert, Mr. Phillips,
Ms. Patterson, Ms. Hague, Mr. von Reichbauer and Mr. Constantine

No: 0

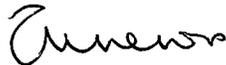
Excused: 0

KING COUNTY FLOOD CONTROL DISTRICT
KING COUNTY, WASHINGTON



Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the District

Attachments None