

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
