



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 25, 2007

Ordinance 15728

Proposed No. 2006-0334.3

Sponsors Hague and Phillips

1 AN ORDINANCE relating to protecting lives and property
2 by controlling flooding in King County; ordering the
3 formation of a countywide flood control zone district and
4 dissolving existing flood control zone districts within the
5 county as required by state law; creating a new King
6 County flood control zone district advisory committee;
7 adding a new chapter to K.C.C. Title 2 and repealing
8 Resolutions 30560, 30950, 30633, 34107, 31192, 30849,
9 25183, 28339, 32463 and 28067 and Ordinance 12075,
10 Section 7, and K.C.C. 2.36.010.

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13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 **SECTION 1. Findings:**

15 A. Every year, King County faces significant threats from flooding, the impacts
16 of which are far-reaching and pose significant threats to public health and safety and
17 economic activities throughout the county.

18 B. Starting in late 2005, King County experienced one of the longest consecutive
19 periods of rainy days on record. The extended rainfall caused significant flooding and
20 revealed numerous deficiencies in the county's aging flood protection system. In
21 November 2006, record rainfall caused more flooding throughout King County, resulting
22 in millions of dollars in property damage, including additional damage to King County's
23 flood protection facilities. Another storm in mid-December 2006 brought even more
24 flooding to the region, causing millions more in property damage and the loss of life.
25 Flooding from that storm also forced the closure of Interstate 5 at Mercer Street, covered
26 multiple lanes of Interstate 5 and Interstate 405 at many locations and shut down dozens
27 of streets throughout the region. Following the 2006 flooding, King County was declared
28 a federal flood disaster area for the eighth time since 1990. In February, 2007 the US
29 Army Corps of Engineers identified nineteen levees in Washington State, all of which are
30 in King County, as being at risk of failure – the second highest number of any state in the
31 country.

32 C. According to University of Washington scientists, climate change is projected
33 to increase the frequency of flooding in most western Washington river basins. Floods in
34 future years are expected to exceed the capacity and protective abilities of existing flood
35 protection facilities, thereby threatening property, lives, major transportation corridors,
36 communities and regional economic centers.

37 D. Throughout King County there are nearly five hundred aging flood protection
38 facilities that cannot be repaired or maintained adequately, because of revenue
39 limitations. Investigations following the 2006 flood disaster determined that seventy-

40 eight of those facilities have sustained damage. In addition, there are significant needs
41 for new or enhanced flood protection facilities and measures throughout the county.

42 E. The one hundred-year floodplain in King County covers more than twenty-
43 five thousand acres or almost forty square miles. County flood protection facilities
44 protect property with an estimated assessed valuation of more than seven billion dollars.
45 The flood control needs in King County are described more extensively in chapter 3 of
46 the 2006 King County Flood Hazard Management Plan.

47 F. Many of the region's largest employers, such as Boeing, have major facilities
48 in areas that are protected by aging levies, many of which were damaged by recent
49 flooding. Further damage to those facilities from flooding or the failure to repair the
50 damage that has already occurred could have far-reaching economic impacts throughout
51 the region.

52 G. The impacts of flooding can be severe and extend far beyond the floodplain
53 itself. Buildings can be reduced to rubble along with household furnishings and business
54 inventories. In addition to the direct threats and damage from floodwater, people face the
55 threat of electrocution, explosions and fires caused by leaking gas lines and damaged
56 electrical lines. Severe flooding can also destroy utility infrastructure, causing extensive
57 disruptions in service. The loss of power and communication is common with severe
58 floods. Damage to drinking water and wastewater facilities can spread disease. In
59 addition, impacts to roads and highways can impair the mobility of people, goods and
60 services, including emergency vehicles and personnel.

61 H. One of the most fundamental functions of government is to protect citizens
62 and public and private property from the ravages of natural disasters such as flooding.

63 I. Flood control needs exist throughout the county, and an integrated and
64 coordinated approach is needed to effectively and efficiently address those needs to
65 ensure that public safety and property are protected and our region's prosperity is
66 sustained.

67 J. Chapter 86.15 RCW authorizes the King County council to initiate the creation
68 of a countywide flood control zone district within King County for the purpose of
69 undertaking, operating, or maintaining flood control projects or storm water control
70 projects, among other powers. A countywide district is authorized to address flood and
71 storm water control needs throughout the county, including within King County cities.

72 K. Certain flood control zone districts currently exist in the county. Many of
73 them were formed as long as forty years ago to serve discrete areas of the county, but are
74 now inactive. Currently, only the Green River and Patterson Creek flood control zone
75 districts are active in the county. Only the Green River Flood Control Zone District has
76 an ongoing revenue source.

77 L. RCW 86.15.023 provides that the council may not establish a flood control
78 zone district that includes areas located in another flood control zone district unless the
79 area is removed from the other district, or the other district is dissolved, as part of the
80 action creating the new flood control zone district.

81 M. In July 2006, the council adopted an ordinance setting a public hearing on the
82 formation of a countywide flood control zone district and the dissolution of existing
83 districts in accordance with state law. State law provides that the council shall issue an
84 order regarding district formation following the final hearing. This ordinance constitutes
85 the order regarding district formation required under RCW 86.15.030.

86 N. RCW 86.15.070 authorizes the board of supervisors of a flood control zone
87 district to appoint a countywide advisory committee of up to fifteen members. A
88 countywide advisory committee can provide the board of supervisors with important
89 input on flood protection needs and priorities throughout King County to ensure that
90 flood protection projects and programs are implemented efficiently and effectively.

91 O. An advisory committee structure based on the successful model of the Green
92 River Flood Control Zone District and designed to provide representation of a broad
93 spectrum of ideas and interests for the citizens and businesses in the King County Flood
94 Control Zone District, would best meet the goals of:

- 95 1. Including members from jurisdictions located in the flood plain;
- 96 2. Including members from jurisdictions that represent a majority of the
97 population in King County;
- 98 3. Providing geographic equity across the county;
- 99 4. Providing representation for a diversity of large, medium and small
100 jurisdictions and equity of representation throughout King County's watersheds; and
- 101 5. Establishing a representative balance between those jurisdictions that are
102 likely to receive local and regional benefits and those jurisdictions that receive regional
103 benefits and are significant funding contributors based on assessed value of properties
104 within those jurisdictions.

105 P. Membership to the advisory committee will include a combination of permanent
106 and temporary, two-year seats. Nominations of members for the temporary seats, by the
107 Suburban Cities Association or the Unincorporated Area Councils, will be subject to
108 approval by the King County council.

109 Q. In approving the nominations to the temporary seats, the King County council
110 would ensure equitable geographic representation by:

111 1. Alternating the membership of the seat for the Unincorporated Area Councils
112 between a resident of the urban unincorporated area and the rural unincorporated area; and

113 2. Alternating the membership of the seats allocated to the Suburban Cities
114 Association amongst cities within King County which do not have permanent seats, in
115 accordance with the following four general groupings of such cities:

116 a. North County jurisdictions: Bothell, Duvall, Kenmore, Lake Forest Park,
117 Shoreline, Skykomish and Woodinville:

118 b. Central County jurisdictions: Beaux Arts, Clyde Hill, Hunts Point, Issaquah,
119 Kirkland, Medina, Mercer Island, Newcastle, Redmond, Sammamish and Yarrow Point;

120 c. South County jurisdictions: Algona, Burien, Des Moines, Federal Way,
121 Milton, Normandy Park, Pacific and SeaTac; and

122 d. East County jurisdictions: Covington, Black Diamond, Enumclaw and Maple
123 Valley.

124 SECTION 2. In accordance with RCW 86.15.023, all existing flood control zone
125 districts within the county are hereby dissolved ("the dissolved districts"), including,
126 without limitation, the districts identified below. Further, the following resolutions, as
127 amended, which created the districts are hereby repealed as of the effective date of this
128 ordinance: the Coalfield Flood Control Zone District and Resolution 30560, passed
129 August 30, 1965; the Cumberland Flood Control Zone District and Resolution 30950,
130 passed November 15, 1965; the Enumclaw Flood Control Zone District and Resolution
131 30633, passed September 13, 1965; the Evans Creek Flood Control Zone District and

132 Resolution 34107, passed September 11, 1966; the Green River Flood Control Zone
133 District and Resolution 31192, passed January 10, 1966; the Greenwater River Flood
134 Control Zone District and Resolution 30849, passed October 25, 1965; the Kimball Creek
135 Flood Control District and Resolution 25183, passed December 17, 1962; the Patterson
136 Creek Flood Control Zone District and Resolution 28339, passed August 3, 1964, as
137 amended by Ordinance No. 829, passed May 17, 1971; the Sikes Lake Flood Control
138 Zone District and Resolution 32463, passed September 26, 1966; and the Southwest Lake
139 Sammamish Flood Control Zone District and Resolution 28067, passed June 15, 1964.

140 SECTION 3. Sections 4, 5, 6 and 7 of this ordinance should constitute a new
141 chapter in K.C.C. Title 2.

142 NEW SECTION. SECTION 4. The existing flood control zone districts having
143 been dissolved, in accordance with chapter 86.15 RCW, a countywide flood control zone
144 district covering the entire area of King County with boundaries as set forth in
145 Attachment A to this ordinance is hereby created as of the effective date of this
146 ordinance. The new district shall be known as the "King County Flood Control Zone
147 District." The King County Flood Control Zone District will address flood control needs
148 throughout King County, including, without limitation, needs in the areas comprising the
149 dissolved districts. The 2006 King County Flood Hazard Management Plan will serve as
150 the initial comprehensive plan for the King County Flood Control Zone District.

151 NEW SECTION. SECTION 5. As provided for in RCW 86.15.050(1), members
152 of the King County council shall be members of the board of supervisors of the King
153 County Flood Control Zone District.

154 NEW SECTION. SECTION 6. Until such time as the board of supervisors of the
155 King County Flood Control Zone District develops and adopts specific rules governing
156 its operations, the rules governing standing committees of the King County council shall
157 govern the operations of the board of supervisors.

158 NEW SECTION. SECTION 7.

159 A. There is hereby created a King County Flood Control Zone District advisory
160 committee, referred to in this section as "the advisory committee."

161 B. The advisory committee is created to provide expert policy advice to the board
162 of supervisors of the King County Flood Control Zone District on regional flood protection
163 issues. The committee shall review and recommend an annual work program and budget
164 for the district, including capital improvement program projects and funding levels, subject
165 to approval or approval and modification by the board of supervisors. Eleven copies of the
166 recommendations shall be filed with the clerk of the King County council no later than
167 August 31 of the preceding year, for distribution to all councilmembers.

168 C. The advisory committee shall be composed of fifteen members, consisting of
169 permanent seats and two-year seats, as follows:

170 1. Ten permanent seats shall be held by:

171 a. each mayor, or a council member alternate designated by the mayor, of the
172 following cities: Tukwila, Auburn, Kent, Renton, Snoqualmie, North Bend, Carnation,
173 Seattle and Bellevue; and

174 b. the King County executive;

175 2. Four two-year seats shall be held by either mayors or city council members,
176 or mayor or council member alternates, as nominated by the Suburban Cities Association

177 or its successor, from the remaining cities in King County to ensure the goal of diversity
178 in the geographic location and size of jurisdictions on the advisory committee; and

179 3. One two-year seat shall be held by an individual chosen from lists of no more
180 than three nominees submitted to the King County council by each of the Unincorporated
181 Area Councils, alternating between a resident of the urban unincorporated area and the
182 rural unincorporated area.

183 D. The members for two-year seats allocated to representatives of the
184 Unincorporated Area Councils and the Suburban Cities Association or its successor shall
185 be subject to confirmation by the King County council.

186 E. Each seat on the advisory committee shall have one vote, unless rules adopted
187 by the advisory committee provide otherwise.

188 F. The advisory committee shall adopt other rules governing its operations, at or
189 promptly after its first meeting.

190 SECTION 8. Upon the creation of the King County Flood Control Zone District,
191 all real and personal property of any nature whatsoever of any of the dissolved districts is
192 hereby transferred to the King County Flood Control Zone District, including, without
193 limitation, any rights to collect taxes or other money or property owed to any of the
194 dissolved districts. The manager of the stormwater services section, a professional
195 engineer, of the water and land resources division of the King County department of
196 natural resources and parks, is hereby appointed as the county engineer for the purposes
197 of winding up the affairs of the dissolved districts and transferring their assets, including
198 but not limited to all real and personal property and all property rights to the King County
199 Flood Control Zone District, and is hereby authorized to execute any agreements or take

Ordinance 15728

200 such other actions as are necessary or convenient to effect such property transfers or
201 otherwise wind up the affairs of the dissolved districts.

202 SECTION 9. Ordinance 12075, Section 7, and K.C.C. 2.36.010 are each hereby
203 repealed.

204 SECTION 10. Members of the metropolitan King County council may be present
205 at the meetings of the King County Flood Control Zone District advisory committee to

Ordinance 15728

206 participate in advisory committee discussions and provide input to advisory committee
207 members.
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Ordinance 15728 was introduced on 7/31/2006 and passed as amended by the Metropolitan King County Council on 4/16/2007, by the following vote:

Yes: 7 - Mr. Gossett, Ms. Patterson, Mr. von Reichbauer, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine
No: 0
Excused: 2 - Ms. Lambert and Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments A. Countywide FCZD Legal Description