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The Difference Between Local Surface Water Management (SWM) Programs and the proposed services of the Countywide Flood Control Zone District (FCZD)

Surface Water Management (SWM) programs, provided by local municipalities (cities or counties acting as local land use authorities in unincorporated areas) in King County mitigate the impacts of excess runoff and non-point source pollution associated with land development.

Typical services include stormwater regulations for new development; source control programs; technical assistance and education; stormwater and drainage facilities maintenance; capital projects; and environmental monitoring and scientific analyses to ensure effective management of runoff and pollutants. SWM programs are required for King County and most cities in the county by Ecology through the National Pollutant Discharge Elimination System (NPDES) municipal stormwater permits under the authority of the Clean Water Act. The purpose of the NPDES stormwater permits is to mitigate unavoidable impacts of land development that adversely affect the water quantity and quality and beneficial uses of surface waters.

The countywide Flood Control Zone District (FCZD) is a special purpose district to be operated by King County that proposes to provide flood hazard management services to reduce the risks of damage to public safety and property due to floods. Services will be provided in both incorporated and un-incorporated King County.

The proposed services include capital projects to retrofit, remove and/or modify flood control facilities; elevation of structures in flood plains; acquisition of frequently flooded properties; maintenance of flood protection facilities including levees, revetments, pump stations and other such infrastructure; regulatory guidelines to reduce risks in flood plains and channel migration zones; flood warning and emergency response during flood events and disasters; coordination of flood management with federal, state and, local agencies particularly regarding flood control dam operations and funding; technical studies and flood plain mapping to reduce flood risks and evaluate the effectiveness of management actions. The FCZD does not intend to provide local stormwater services since such services are already provided by local jurisdictions within King County.

The information on the following pages summarizes other facts regarding the differences between local SWM programs and the proposed services for the countywide Flood Control Zone District.

What is the source and scope of statutory authority for cities, counties and flood districts to address surface water management?

- Counties have the authority to collect revenues from, and provide storm and surface water management services to, properties in unincorporated areas under RCW 36.89 (King County's surface water program is authorized under this statute), under RCW 36.94, or by using general municipal funds.
- Counties also have the authority to form flood control zone districts (FCZDs), which are authorized under RCW 86.15 to collect revenues from, and provide flood and storm water services, within FCZD boundaries (which can include the whole county or sub-areas within the county). If such Districts are formed, as has occurred in King County, the District's legislative body is the County Council acting as the District Board of Supervisors.
- Cities also have the authority to collect revenues from, and provide storm and surface water management services to properties within their jurisdiction under RCW 35.67.
- Starting in 1976, in Bellevue, and expanding over the years to include virtually every jurisdiction in King County, local jurisdictions in King County have levied surface water fees and provided SWM services within their boundaries.

What is the nature of the funding authority for Surface Water Management services?

- Typically local jurisdictions develop SWM rate models to charge properties service fees based on their relative contribution to increased surface water runoff
- Most jurisdictions in King County use a flat rate for residential parcels and a graduated rate for commercial and industrial parcels based on effective impervious area and parcel size.
- Under RCW 36.89, "...any county legislative authority may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any storm water control facility or contributing to an increase of surface water runoff. In fixing rates and charges, the county legislative authority may in its discretion consider:
 - (a) Services furnished or to be furnished;
 - (b) Benefits received or to be received;
 - (c) The character and use of land or its water runoff characteristics;
 - (d) The nonprofit public benefit status, as defined in RCW [24.03.490](#), of the land user;
 - (e) Income level of persons served or provided benefits under this chapter, including senior citizens and disabled persons; or
 - (f) Any other matters which present a reasonable difference as a ground for distinction."

What is the nature of the services provided by local jurisdictions for surface water management?

- Local jurisdictions, both cities and counties, have used SWM revenues to control and mitigate the local impacts of water quantity, quality and erosion resulting from excess runoff due to land development
- Typical services focus on local drainage, erosion and water quality impacts that result from land development and activities on the land surface.
- Services include regulations for new development to control the quantity and quality of runoff from new impervious surfaces to pre-developed conditions; source control programs; technical assistance and education for property owners to control pollutants and runoff; facilities maintenance; capital projects to mitigate unavoidable impacts affecting the water quality and beneficial uses of surface waters; and monitoring and scientific analyses of environmental conditions and the effectiveness of services.
- The majority of SWM services in many jurisdictions are directed towards achieving compliance with state and federal regulatory mandates deriving from the Clean Water Act, including meeting the requirements of the National Pollutant Discharge Elimination System (NPDES) municipal storm water permit.

What is the nature of the services proposed to be provided by a countywide Flood Control Zone District?

- A FCZD is authorized to address and implement both storm water and flood water control measures.
- The countywide King County FCZD was formed not for the purposes of addressing storm water management, but rather to provide large river and regional flood management services to protect life and property from flood risks throughout incorporated and unincorporated areas
- Typical services that will be performed by the King County FCZD will include capital projects to retrofit, remove and/or modify flood control infrastructure; elevation of structures in flood plains; acquisition of frequently flooded properties; operation and maintenance of flood protection facilities including levees, revetments, pump stations and other such infrastructure; guidance for flood hazard and channel migration regulation; flood warning and emergency response during flood events and disasters; coordination of flood management with federal and state and, as need local jurisdictions particularly regarding flood control dam operations; technical studies and flood plain mapping to reduce flood risks and evaluate the effectiveness of management actions;
- In King County, a relatively modest level, (\$2 – 3.5 M/year), of flood protection services have been provided for more than 20 years at a countywide level or within specific geographically defined smaller districts. This level of funding and services has not been adequate to maintain existing infrastructure and protect life and property during significant flooding events.