



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

April 5, 2016

FCD Resolution

Proposed No. FCD2016-07.1

Sponsors

1 A RESOLUTION directing King County, acting on behalf of the
2 District, to transfer to the city of Snoqualmie six parcels within the
3 Snoqualmie River floodplain, subject to deed restrictions.

4 WHEREAS, the King County Flood Control Zone District ("District") was
5 established in part to provide integrated and coordinated floodplain management, to
6 protect effectively and efficiently public safety and property and to sustain the region's
7 prosperity; and

8 WHEREAS, the city of Snoqualmie ("City") has acquired contiguous properties
9 within the Snoqualmie River floodplain to reduce flood risk; and

10 WHEREAS, consistent with the City's acquisition program, King County, on
11 behalf of the District, (1) has acquired with District funds and Federal Emergency
12 Management Agency ("FEMA") funds five parcels on the Snoqualmie River (Assessor's
13 Parcel Nos. 7851200005, 7851200010, 781200015, 7851200020 and 3224089067)
14 ("FEMA funded parcels") and (2) has acquired with District funds one parcel in the same
15 vicinity (Assessor's Parcel No. 7849202025) ("District funded parcel")(collectively, the
16 "King County parcels"); and

17 WHEREAS, maintenance and operation of the King County parcels by the City
18 will be efficient and cost effective, because the City maintains and operates Snoqualmie
19 River floodplain parcels in the vicinity of the King County parcels; and

20 WHEREAS, the District board of supervisors desires to transfer the King County
21 parcels to the City in order to provide for efficient and cost effective maintenance and
22 operation of the King County parcels; and

23 WHEREAS, the District can protect the flood protection interests of King County
24 and the District in the King County parcels through deeds restrictions and restrictive
25 covenants in the parcel transfer documents; and

26 WHEREAS, by letter to the director of the King County water and land resources
27 division dated April 16, 2015, the mayor of the City, on behalf of the City, agreed to
28 accept the transfer of the five FEMA funded parcels, subject to certain conditions and
29 commitments; and

30 WHEREAS, by letter to the Washington Military Department dated December 9,
31 2015, the FEMA Regional Administrator approved the transfer of the five FEMA funded
32 parcels to the City, subject to certain terms and conditions; and

33 WHEREAS, K.C.C. 4.56.060.E.1.a. and K.C.C. 4.56.060.E.2. provides that the
34 District by resolution may direct King County, acting through the facilities management
35 division in coordination with the department of natural resources and parks, to convey
36 real property acquired in its name on behalf of the District to third parties; and

37 WHEREAS, the District board of supervisors desires to direct King County to
38 convey the FEMA funded parcels and the District funded parcel to the City for the
39 reasons stated above pursuant to K.C.C. 4.56.060.E.1.a. and K.C.C. 4.56.060.E.2.; now,
40 therefore

41 BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING
42 COUNTY FLOOD CONTROL ZONE DISTRICT:

43 SECTION 1. The District board of Supervisors directs King County to convey to
44 the city of Snoqualmie, by deeds in a form approved by the chair of the board and District
45 legal counsel, the Assessor's parcels listed below and shown on Attachment A as "FEMA
46 Funded Acquisitions", subject to (1) the Restrictive Covenants set forth in Exhibit B of
47 the "Declaration of Restrictive Covenants" at Attachment B, and (2) the terms and
48 conditions of the second and third full paragraphs of page 2 of the December 9, 2015,
49 letter to the Washington Military Department from FEMA at Attachment C:

50 7851200005 7851200020 7851200010

51 3224089067 7851200015

52 Attachments A, B and C are attached hereto and incorporated herein by reference.

53 SECTION 2. The board of supervisors directs King County to convey to the city
54 of Snoqualmie, by deed in a form approved by the chair of the board and District legal
55 counsel, Assessor's Parcel No. 7849202025 and shown on Attachment A as "FCD
56 Funded Acquisitions," subject to the Deed Restrictions at Attachment D, attached hereto
57 and incorporated herein by reference.

58 SECTION 3. The conveyances of Sections 1 and 2 shall be accomplished by
59 King County pursuant to K.C.C. 4.56.060.E.1.a. and K.C.C. 4.56.060.E.2
60

FCD Resolution was introduced on and passed by the King County Flood Control District on 4/4/2016, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci


No: 0

Excused: 0

KING COUNTY FLOOD CONTROL DISTRICT
KING COUNTY, WASHINGTON

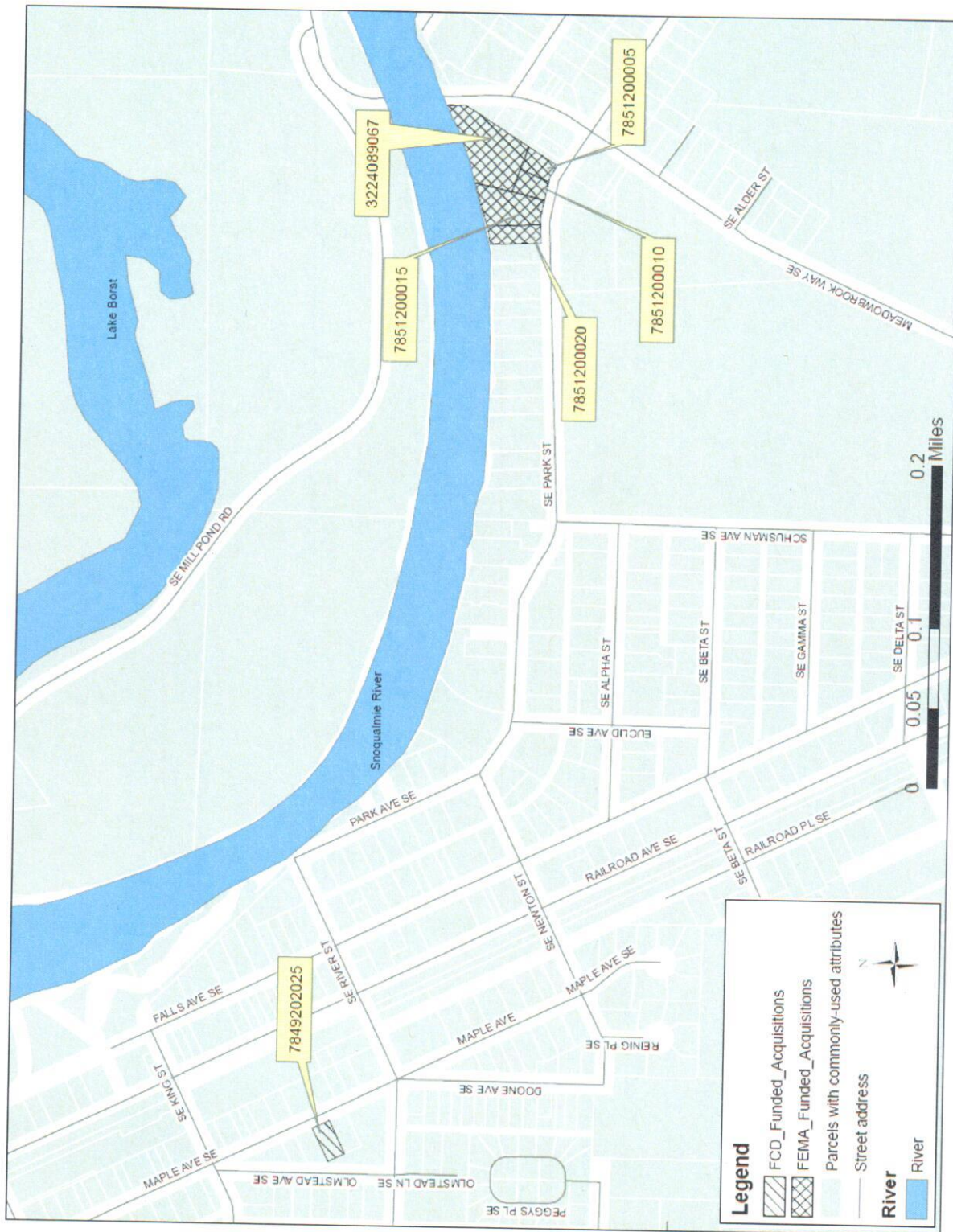

Reagan Dunn, Chair

ATTEST:


Anne Noris, Clerk of the District

Attachments: A. FEMA Funded Acquisitions, B. Declaration of Restrictive Covenants, C. December 9 2015 letter to the Washington Military Department from FEMA, D. Deed Restrictions

ATTACHMENT A



ATTACHMENT B

Upon recording return to:
King County, DNRP (KSC-NR-0600)
Attn: Robert B. Jackson
Department of Natural Resources and Parks
201 South Jackson St., #600
Seattle, WA 98104-3855

CONFORMED COPY

20111213000708

KING COUNTY DN COV
PAGE-001 OF 007
12/13/2011 14:07

Declarant: King County, a Political Subdivision of the State of Washington

Abbreviated Legal Description: Lts 1-4, Snoqualmie-Meadowbrook Addition; and Ptn.
Govt. Lt. 6, Sec. 32, T24N, R8E.

Assessor's Parcel Nos.: 785120-0005-06; 785120-0010-09; 785120-0015-04; 785120-0020-07 &
322408-9067-07

Declaration of Restrictive Covenants

King County, a Political Subdivision of the State of Washington, is the owner of a real estate located in King County, State of Washington more particularly described in Exhibit A attached hereto and made part hereof (the "Property").

The purpose of this instrument is to place of record those certain Restrictive Covenants, which pursuant to a certain grant funding source made available to King County to acquire said Property require that the property be restricted to uses in accordance with the funds used to purchase said property. King County having acquired the Property pursuant to deed recorded under recording No. 2010043000615, between Eastside Associates Inc. a Washington Corporation (Grantor) and King County (Grantee).

Therefore the Property is hereby subject to the following Restrictive Covenants as required by said grant funding source:

As per Exhibit B attached hereto

In witness whereof King County has set its hand and seal this 12 day of December 2011.

King County, a Political Subdivision of the State of Washington

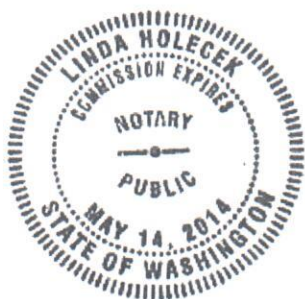
By: [Signature]

Title: Director, WRS

STATE OF WASHINGTON)
)SS.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Mark Isaacson is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the Division Director of Water & Land Resources of King County to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 12/8/11



Linda Holecek

Linda Holecek

Printed name

Notary Public in and for the
State of Washington

Residing at Issaquah

My appointment expires 5-14-14

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

Lots 1, 2, 3 and 4, Snoqualmie-Meadowbrook Addition, according to the plat thereof recorded in Volume 49 of Plats, page 90, records of King County, Washington.

PARCEL 2:

That portion of Government Lot 6, Section 32, Township 24 North, Range 8 East, W.M., in King County, Washington, lying Southerly of the Snoqualmie River, Northerly of Lots 1 and 2 and Easterly of Lot 3, all in Snoqualmie-Meadowbrook Addition, according to the plat thereof recorded in Volume 49 of Plats, page 90, records of King County, Washington, and Westerly of the Westerly line of Block 1 of Meadowbrook Addition, according to the plat thereof in Volume 26 of Plats, page 37, in King County, Washington.

EXHIBIT B

In reference to the property or properties ("Property") participating in the federally-assisted acquisition project:

WHEREAS, The Robert T. Stafford Disaster Relief and Emergency Assistance Act, ("The Stafford Act"), 42 U.S.C. § 5121 et seq., identifies the use of disaster relief funds under § 5170c, **Hazard Mitigation Grant Program ("HMGP")**, including the acquisition and relocation of structures in the floodplain;

WHEREAS, the mitigation grant program provides a process for a local government, through the State, to apply for federal funds for mitigation assistance to acquire interests in property, including the purchase of structures in the floodplain, to demolish and/or remove the structures, and to maintain the use of the Property as open space in perpetuity;

Whereas, Washington State has applied for and been awarded such funding from the Department of Homeland Security, Federal Emergency Management Agency ("FEMA") and has entered into a mitigation grant program Grant Agreement dated October 29, 2009 with FEMA and herein incorporated by reference; making it a mitigation grant program grantee.

Whereas, the Property is located in King County, and King County participates in the National Flood Insurance Program ("NFIP") and is in good standing with NFIP as of the date of the Deed;

Whereas, the County, acting by and through the County Board, has applied for and been awarded federal funds pursuant to an agreement with Washington State dated October 29, 2009 ("State-Local Agreement"), and herein incorporated by reference, making it a mitigation grant program subgrantee;

WHEREAS, the terms of the mitigation grant program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State-local Agreement require that the Grantee agree to conditions that restrict the use of the land to open space in perpetuity in order to protect and preserve natural floodplain values;

Now, therefore, the grant is made subject to the following terms and conditions:

1. **Terms.** Pursuant to the terms of the **Hazard Mitigation Grant Program ("HMGP")** statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State-local Agreement, the following conditions and restrictions shall apply in perpetuity to the Property described in the attached deed and acquired by the Grantee pursuant to FEMA program requirements concerning the acquisition of property for open space:

a. **Compatible uses.** The Property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Such uses may include: parks for outdoor recreational activities; wetlands management; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to allow evacuation); unimproved; unpaired

parking lots; buffer zones; and other uses consistent with FEMA guidance for open space acquisition, Hazard Mitigation Assistance, Requirements for Property Acquisition and Relocation for Open Space.

b. Structures. No new structures or improvements shall be erected on the Property other than:

i. A public facility that is open on all sides and functionally related to a designated open space or recreational use;

ii. A public rest room; or

iii. A structure that is compatible with open space and conserves the natural function of the floodplain, including the uses described in Paragraph 1.a., above, and approved by the FEMA Administrator in writing before construction of the structure begins.

Any improvements on the Property shall be in accordance with proper floodplain management policies and practices. Structures built on the Property according to paragraph b. of this section shall be floodproofed or elevated to at least the base flood level plus 1 foot of freeboard, or greater, if required by FEMA, or if required by any State, Tribal, or local ordinance, and in accordance with criteria established by the FEMA Administrator.

c. Disaster Assistance and Flood Insurance. No Federal entity or source may provide disaster assistance for any purpose with respect to the Property, nor may any application for such assistance be made to any Federal entity or source. The Property is not eligible for coverage under the NFIP for damage to structures on the property occurring after the date of the property settlement, except for pre-existing structures being relocated off the property as a result of the project.

d. Transfer. The Grantee, including successors in interest, shall convey any interest in the Property only if the FEMA Regional Administrator, through the State, gives prior written approval of the transferee in accordance with this paragraph.

i. The request by the Grantee, through the State, to the FEMA Regional Administrator must include a signed statement from the proposed transferee that it acknowledges and agrees to be bound by the terms of this section, and documentation of its status as a qualified conservation organization if applicable.

ii. The Grantee may convey a property interest only to a public entity or to a qualified conservation organization. However, the Grantee may convey an easement or lease to a private individual or entity for purposes compatible with the uses described in paragraph (a), of this section, with the prior approval of the FEMA Regional Administrator, and so long as the conveyance does not include authority to control and enforce the terms and conditions of this section.

iii. If title to the Property is transferred to a public entity other than one with a conservation mission, it must be conveyed subject to a conservation easement that shall be recorded with the

deed and shall incorporate all terms and conditions set forth in this section, including the easement holder's responsibility to enforce the easement. This shall be accomplished by one of the following means:

- a) The Grantee shall convey, in accordance with this paragraph, a conservation easement to an entity other than the title holder, which shall be recorded with the deed, or
- b) At the time of title transfer, the Grantee shall retain such conservation easement, and record it with the deed.

iv. Conveyance of any property interest must reference and incorporate the original deed restrictions providing notice of the conditions in this section and must incorporate a provision for the property interest to revert to the State, Tribe, or local government in the event that the transferee ceases to exist or loses its eligible status under this section.

2. Inspection. FEMA, its representatives and assigns including the State or Tribe shall have the right to enter upon the Property, at reasonable times and with reasonable notice, for the purpose of inspecting the Property to ensure compliance with the terms of this part, the Property conveyance and of the grant award.

3. Monitoring and Reporting. Every three years, beginning on July 1, 2015, the Grantee (mitigation grant program subgrantee), in coordination with any current successor in interest, shall submit through the State to the FEMA Regional Administrator a report certifying that the Grantee has inspected the Property within the month preceding the report, and that the Property continues to be maintained consistent with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.

4. Enforcement. The Grantee (mitigation grant program subgrantee), the State, FEMA, and their respective representatives, successors and assigns, are responsible for taking measures to bring the Property back into compliance if the Property is not maintained according to the terms of 44 C.F.R. Part 80, the property conveyance, and the grant award. The relative rights and responsibilities of FEMA, the State, the Grantee, and subsequent holders of the property interest at the time of enforcement, shall include the following:

- a. The State will notify the Grantee and any current holder of the property interest in writing and advise them that they have 60 days to correct the violation.

- i. If the Grantee or any current holder of the property interest fails to demonstrate a good faith effort to come into compliance with the terms of the grant within the 60-day period, the State shall enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to bringing an action at law or in equity in a court of competent jurisdiction.

- ii. FEMA, its representatives, and assignees may enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to 1 or more of the following:

ATTACHMENT C

U.S. Department of Homeland Security
Region X
130 22nd Street, SW
Bothell, WA 98021-9796



FEMA

RECEIVED EMD

December 9, 2015

Kurt Hardin, Governor's Authorized Representative
Division of Emergency Management
Washington Military Department
Building 20, MS: TA-20
20 Aviation Drive
Camp Murray, Washington 98430-5112

RE: Hazard Mitigation Grant Program (HMGP) for DR-1817-WA
Transfer of Property Acquired for Purposes of Open Space – Riverside Mobile Home Park
From King County to the City of Snoqualmie

Dear Mr. Hardin:

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) Region 10 hereby approves the State's request of May 6, 2015, for transfer of ownership of the properties listed below that were acquired using FEMA Hazard Mitigation Grant Program funds from FEMA-1817-DR-WA. The open space acquisition project 1817-10-R was awarded on November 19, 2009. These properties comprise the former Riverside Mobile Home Park on the south bank of the Snoqualmie River not far from downtown Snoqualmie.

King County Parcels

322408-9067
785120-0005
785120-0010
785120-0015
785120-0020

Transfer of these properties from the original sub-recipient, King County, to the City of Snoqualmie is compliant with the provisions of FEMA's Open Space Acquisition Rule at 44 CFR 80.19(b)(2). The transfer of acquired Open Space property is allowed, subject to Regional Administrator approval, to a "public entity" or a "qualified conservation organization." The City qualifies as a "public entity with a conservation mission", per 80.19(b)(3), per these findings:

- 1) The April 16, 2015, letter from Matthew R. Larson, City of Snoqualmie, accepts the transferred property and commits to "maintain use of the Properties as open space in perpetuity and preserve natural floodplain values according to the deed restrictions..."
- 2) The City of Snoqualmie maintains an active, well-funded Parks and Recreation Program.
- 3) The City's Comprehensive Plan, *Snoqualmie 2032*, adopted October 2, 2015, designates the entire property area and adjoining river shoreline as "Parks/Open Space."

www.fema.gov

Mr. Hardin
December 9, 2015
Page 2

Comprehensive Plans in the State of Washington are subject to State review and compliance with the Growth Management Act.

- 4) The Vision and Policy element of the *Snoqualmie 2032*, contains the following Land Use Objective under section 3. Flood Plain Land Use, on Page 1-22: 7.3 Development and conservation within the 100-year floodplain is managed to protect existing and new development from flood hazards and to promote enjoyment of the natural and scenic character of the Snoqualmie River shoreline.
- 5) The City's Draft Shoreline Master Program, currently under update in compliance with the State's Shoreline Management Act, indicates that a Snoqualmie River shoreline trail, the Riverwalk, is proposed to be constructed along the south bank of the river, from downtown to or beyond the properties being transferred. A Draft Riverwalk Master Plan, was posted on the City's website October 2, 2015.

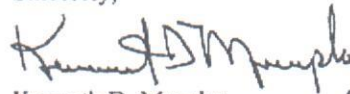
In accordance with the recorded Open Space Deed Restriction, the properties must continue to be managed as Open Space in perpetuity for the conservation of natural floodplain functions, in accordance with all requirements of 44 CFR 80.19. Potential improvements related to the proposed Riverwalk, such as pervious surfaces, open-sided structures and restrooms to support public parks and recreation uses, are permitted without consultation with FEMA. However, as a reminder, uses that are not allowed outright include temporary or long-term storage of materials, vehicles, or manufactured housing, the construction of any other types of walled-and-roofed structures, or installation of impervious surfaces, i.e. anything that does not meet Federal land use and oversight requirements. In certain circumstances, exceptions can be made and unlisted uses and activities can be considered, subject to prior approval by the FEMA Regional Administrator following a favorable review per National Environmental Policy Act (NEPA) and related laws and Executive Orders.

The City is also required to monitor use of the property for compliance with these restrictions and to send a report to Washington EMD at least every three (3) years confirming that the property is still being used as open space.

We request that the County include language in the Deed Transfer citing the Open Space Deed Restriction, and reflecting the City's commitment via the letter of April 16, 2015, that the property interest would revert to King County if the property were ever proposed for use other than to support natural and beneficial functions of the floodplain.

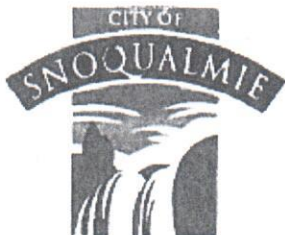
For further assistance, please contact Steven Randolph, at (425) 487-4671.

Sincerely,



Kenneth D. Murphy
Regional Administrator

Cc: Tim Cook, WA EMD



OFFICE OF THE MAYOR

Matthew R. Larson

8020 Railroad Ave SE
PO Box 987
Snoqualmie, WA 98065

Office: 425-888-8307
Cell: 425-281-3333
Fax: 425-831-6041

www.ci.snoqualmie.wa.us
mayor@ci.snoqualmie.wa.us

April 16, 2015

Mr. Mark Isaacson
Division Director
King County Water and Land Resources Division
201 S. Jackson St, Suite 600
Seattle, WA 98104

RE: Transfer of Property Interest

Dear Mr. Isaacson:

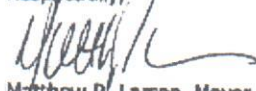
This letter is in reference to Parcels: 7851200005, 7851200010, 7851200015, 7851200020, and 3224089067 ("Properties"), which are located along the Snoqualmie River, within the City of Snoqualmie limits. King County acquired the Properties in 2010 with Hazard Mitigation Grant Program (HMGP) funds (HMGP 2009 DR 1817) for permanent Open Space. The City understands that it is the intent of King County to transfer property interests of the identified parcels to the City of Snoqualmie.

The City accepts the transferred Properties and acknowledges and agrees to be bound by the terms of the original mitigation grant conveyance according to 44 CFR Part 80 and the Addendum to the Hazard Mitigation Assistance (HMA) Unified Guidance. With respect to the Properties, and per Robert T Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"), the City of Snoqualmie will maintain the use of the Properties as open space in perpetuity in order to protect and preserve natural floodplain values according to the deed restrictions set forth in the Warranty Deed and associated Declaration of Restrictive Covenants.

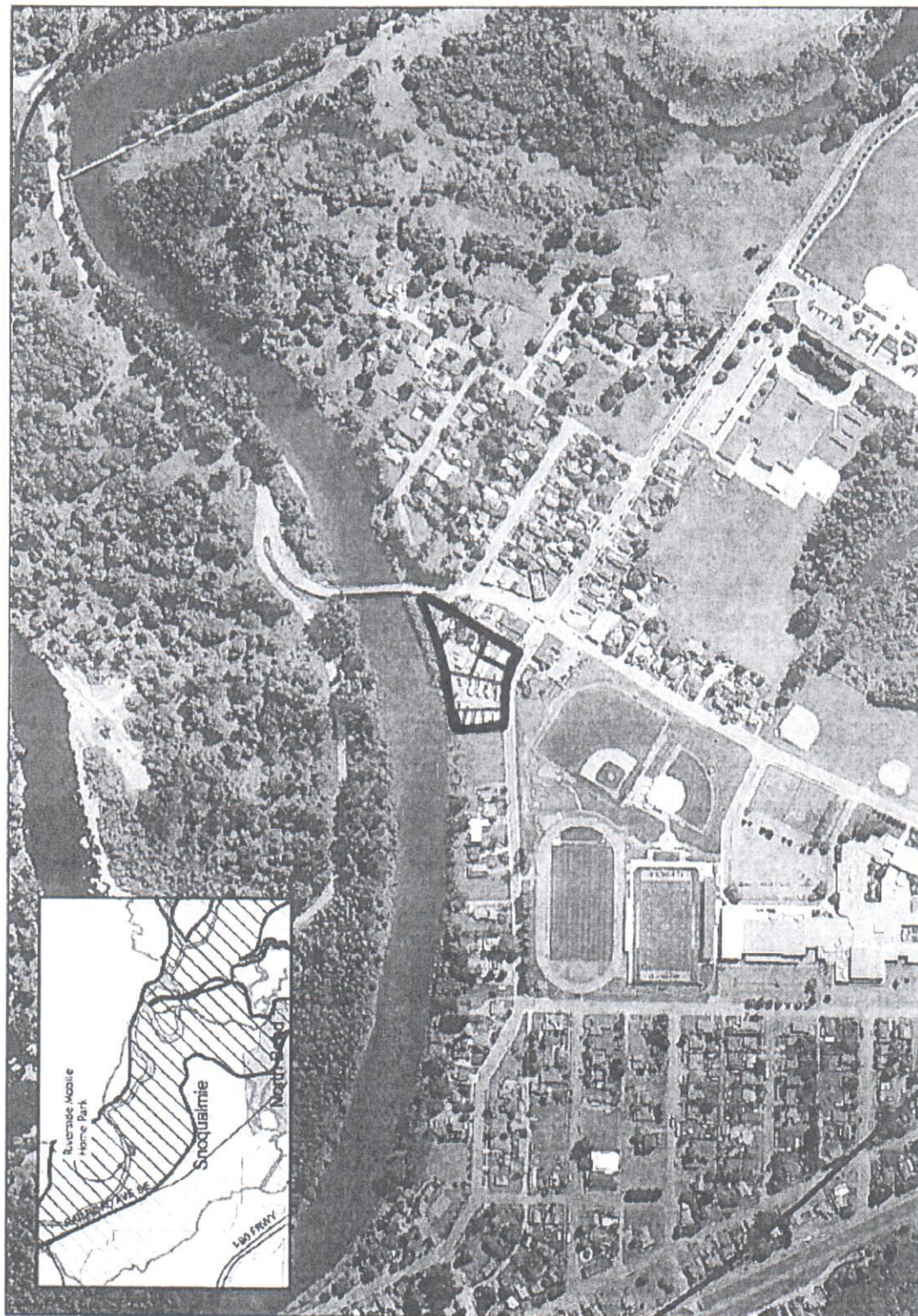
In the event that the City of Snoqualmie ceases to exist or loses its eligible status as defined under the HMA guidance, the property interests will revert to King County, or the State of Washington.

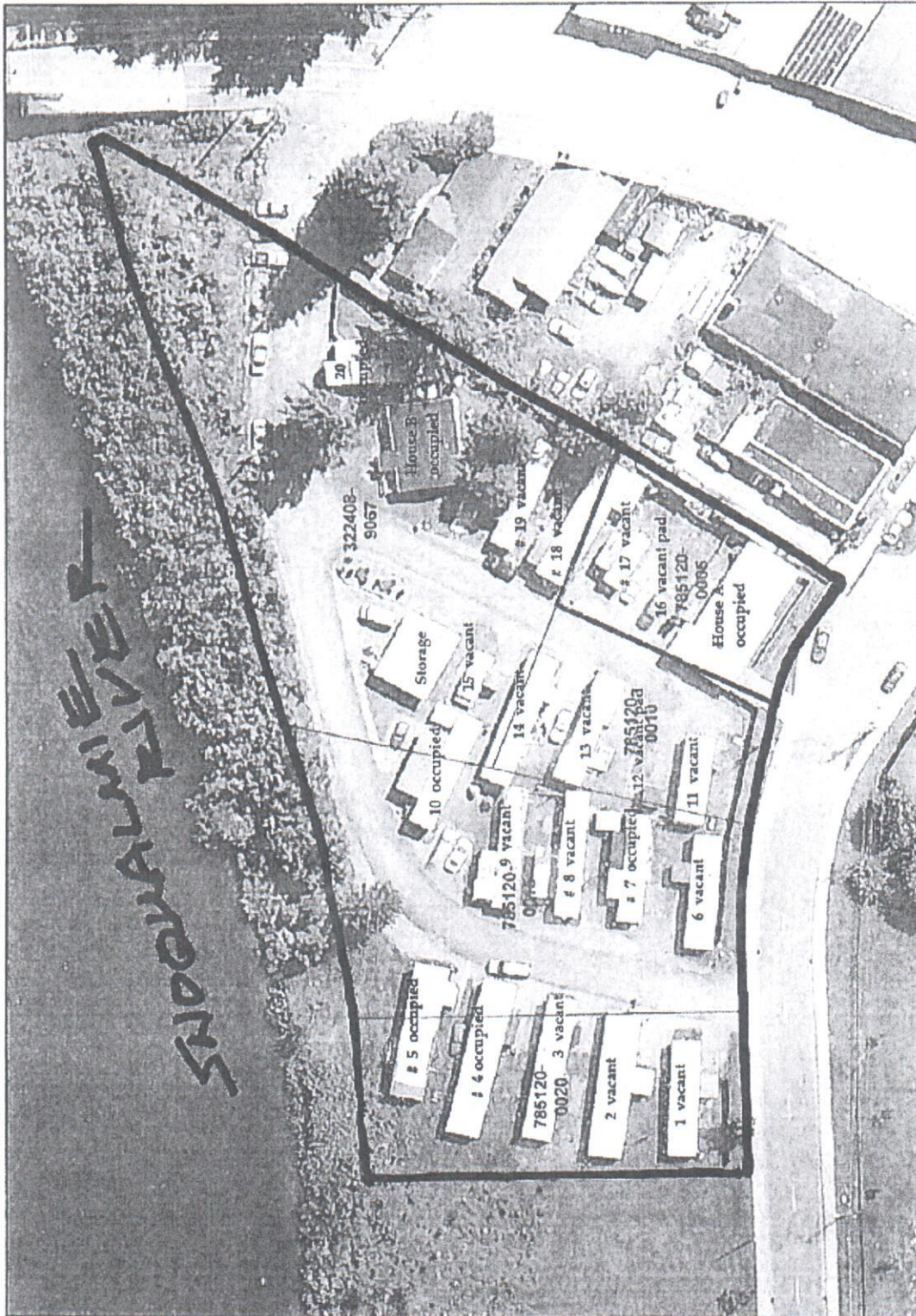
The City of Snoqualmie supports and accepts the transfer of Properties from King County to the City.

Respectfully,



Matthew R. Larson, Mayor





King County
Department of Natural Resources and Parks
Water and Land Resources Division

Map projection: NAD 83 / UTM Zone 18N, datum: NAD 83, units: meters

Riverside Mobile Home Park

Privately-owned Mobile Homes

To be purchased by King County Flood Control District

Snoqualmie 2032: Snoqualmie Comprehensive Plan. Updated 2014

VISION & POLICY PLAN 1 - 22

3. FLOODPLAIN LAND USE

Objective:

7.3 Development and conservation within the 100-year floodplain is managed to protect existing and new development from flood hazards and to promote enjoyment of the natural and scenic character of the Snoqualmie River shoreline.

Policies:

7.3.1 Limit creation of new single family residential lots in the floodplain to low density where roads and services are adjacent, but allow for small lot infill and redevelopment with attached townhomes and residential units above commercial uses in the floodplain where such uses can be served by alleys and are within walking distance of the historic downtown commercial core.

7.3.2 Encourage a range of housing options and settings by allowing for creation of new lots in the floodplain through subdivisions with various low density lot sizes as appropriate, depending on existing infrastructure, development pattern and proximity to the downtown core.

7.3.3 Help protect development from flood hazards through residential lot coverage standards and impervious surface standards for different land use designations.

7.3.4 Use the Floodway Overlay District (SMC 17.40) for residentially-zoned districts within the 100-year floodway to provide opportunity for commercial uses compatible in scale, character and impacts to existing single-family uses.

Additional flooding policies are in
Policy Plan Section 6.5 *Frequently
Flooded Areas* and Policy 4.1.2.

7.3.5 Work with the King County Flood Control District to target high risk, chronically affected and repetitive loss riverfront properties within the floodway for eventual acquisition.

7.3.6 Do not permit the construction of critical facilities or heavy industrial uses within the floodplain unless there is no feasible alternative. Require critical facilities permitted within the floodplain to be elevated or floodproofed consistent with FEMA technical guidance.

Example critical facilities include hospitals,
police, fire, emergency response, and
installations which produce, use or store
hazardous materials or hazardous waste.

7.3.7 Continue to participate in the FEMA Flood Insurance Program and Community Rating System, and implement measures to improve the City's flood insurance rating to benefit floodplain property owners.

7.3.8 Require the first floor of new residential construction and construction involving substantial improvements to existing residential structures to be elevated to at least three feet above the base flood elevation.

IMPLEMENTATION 2 - 2

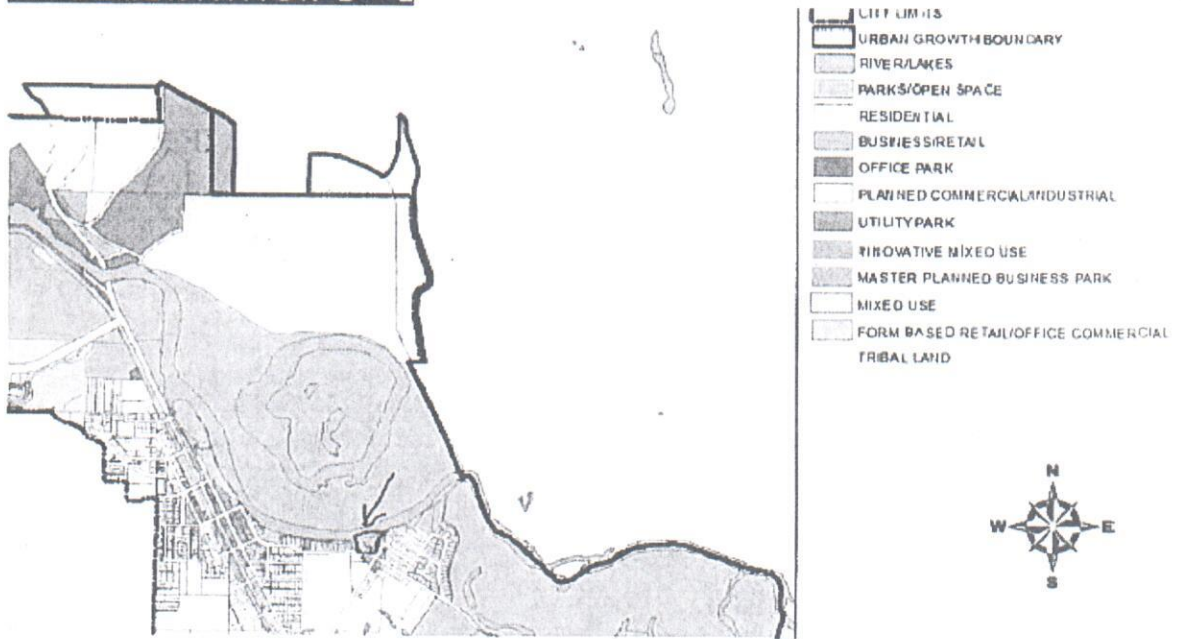


Figure 2.1 Land Use Designations

The 5 parcels comprising the Riverside Mobile Home Park buyout, are all designated for PARKS/OPEN SPACE use on the City of Snoqualmie's 2032 Comprehensive Plan.

PARCELS:

322408-9067

785120-0005

785120-0010

785120-0015

785120-0020

ATTACHMENT D
DEED RESTRICTIONS

Use Restrictions, substantially in the form of the following, must appear on the deed transferring tax parcel No. 7849202025 from by King County to the City of Snoqualmie:

1. Compatible Uses. The Property shall be used only for purposes compatible with open space, flood control and protection, floodplain management, recreational, or wetlands management activities and practices; in general, such uses include parks for outdoor recreational activities, nature reserves, unimproved permeable parking lots or trails and other uses consistent with the open space, flood control and protection, floodplain management, recreational and wetlands management character of the lands.
2. Structures. No new structures or improvements shall be erected on the Property other than:
 - a. A public facility that is open on all sides and functionally related to the open space use;
 - b. A structure that is compatible with the uses described in paragraph 1 above, and approved by the Director of the King County Department of Natural Resources and Parks, or successor, in writing prior to the commencement of the construction of the structure.
 - c. Any structures built on the Property according to this paragraph 2, shall be flood proofed or elevated to the Base Flood Elevation plus the amount of

freeboard applicable in accordance with regulations in effect at the time of such construction.