



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 19, 2016

FCDEC Motion

Proposed No. FCDECM2016-07.1

Sponsors

1 A MOTION authorizing the executive director to sign a
2 Memorandum of Understanding with the city of Kent to
3 guide the design and development of construction plans for
4 the Lower Russell Road Levee Setback Project.

5 WHEREAS, the Lower Russell Road levee setback project is located within the
6 city of Kent, between river mile ("RM") 17.85 and RM 19.25; and

7 WHEREAS, the Lower Russell Road Levee Setback Project is an early action
8 priority identified in the King County Flood Control Zone District ("District") approved
9 the Interim System-Wide Improvement Framework to maintain eligibility in the United
10 States Army Corps of Engineers PL-84-99 program; and

11 WHEREAS, a significant amount of the land needed to accomplish the project
12 goals is owned by the city of Kent, including Van Doren's Landing Park and the Green
13 River Natural Area; and

14 WHEREAS, an inclusive stakeholder process in 2014 and 2015 led to the
15 identification of project goals and objectives which formed the basis for a thirty percent
16 design report for the project; and

17 WHEREAS, the next phases of design will require cooperation and partnership
18 between the District and the city of Kent to achieve the project objectives while adhering
19 to a constrained budget and a project construction date of 2019; and

20 WHEREAS, additional funding is still needed to implement the project
21 objectives and securing those funds from federal, state and nonprofit sources will require
22 a strong partnership among the stakeholders; and

23 WHEREAS, the District is the major funder of this project and has the final
24 decision to authorize District funding: now, therefore,

25 BE IT MOVED BY THE EXECUTIVE COMMITTEE OF THE KING
26 COUNTY FLOOD CONTROL ZONE DISTRICT:

27 SECTION 1. The Flood Control District executive director is authorized to sign

28 the Memorandum of Understanding for the Lower Russell Road Levee Setback Project
29 with the city of Kent, Attachment A to this motion.

30

FCDEC Motion was introduced on and passed by the King County Flood Control District Executive Committee on 10/17/2016, by the following vote:

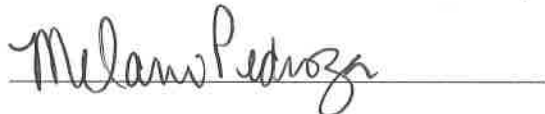
Yes: 5 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr.
Upthegrove and Ms. Balducci
No: 0
Excused: 0

KING COUNTY FLOOD CONTROL ZONE
DISTRICT
KING COUNTY, WASHINGTON



Reagan Dunn, Chair

ATTEST:



Melani Pedroza, Acting Clerk of the Board

Attachments: A. Memorandum of Understanding for the Lower Russell Road Levee Setback Project

[King County and City of Kent letterheads]

**Memorandum of Understanding
Between City of Kent
And King County Flood Control District
for the Lower Russell Road Levee Setback Project**

I. Background/Purpose

The Lower Russell Road Levee Setback project is part of a larger overall flood management strategy for the lower Green River. The project is located in the City of Kent along the right (east) bank of the Green River between South 212th Street and Veterans Drive/South 228th Street.

This 1.4-mile-long levee improvement project will replace an old levee and revetment that do not meet current engineering design standards. The new levee will be set back from the Green River where feasible and better protect residential and commercial development behind the levee, while also improving riparian and aquatic habitat along the Green River for fish and wildlife. The project will replace/enhance recreational amenities and protect public access to this regionally significant assemblage of public properties.

The Project has the following goals:

- Improve flood protection by replacing and upgrading 1.4 miles of existing levee and revetment with a new flood containment system that meets current engineering design standards and is built to a 0.2 percent annual chance (a.k.a., a 500-year) flood event plus a minimum of three feet of freeboard.
- Restore aquatic and riparian habitat for fish and wildlife, including species listed under the Endangered Species Act. The project is identified as a priority project in the 2005 WRIA 9 Salmon Habitat Plan.
- Provide for continued public access to open space and recreation in a manner consistent with decades of local planning efforts, creating a unified landscape that offers opportunities for active and passive recreation while at the same time restoring habitat and providing flood protection.
- Preserve the overall goals, functions and area of the Green River Natural Resource Area.
- Design the project to reduce long-term maintenance costs.

The project is located within the City of Kent, and the City also owns much of the land and existing facilities and infrastructure at the project location. The King County Department of Natural Resources and Parks, Water and Land Resources Division, is managing the project as the service provider for the King County Flood Control District. The purpose of this MOU is to document the Parties' intent to cooperate toward completion of the Project.

II. Project Description and Timeline

The project completed the 30% design in January 2016, with a project configuration selected, and preliminary design work, including drawings and cost estimate, prepared. Funding for the entire project

has not yet been fully secured.

Project elements are shown in map view in Attachment A, and described below:

1. A new floodwall extending from the vicinity of the intersection between S. 228th Street and Lower Russell Road to the vicinity of the intersection between Lower Russell Road and the Puget Sound Energy (PSE) Corridor Trail.
2. A new levee extending from the vicinity of the intersection between Lower Russell Road and the PSE Corridor Trail to its intersection with S. 212th Street.
3. Relocation of Van Doren's Landing Park to the east of its current location in order to allow creation of a new habitat area adjacent to the river.
4. Grading of portions of the right bank and right bank floodplain to create new riparian and aquatic habitat
5. Bank stabilization measures in the form of a launchable rock pad in the vicinity of S. 212th Street and flow deflectors within or along the river edge of the constructed aquatic habitat area.
6. Removal of Lower Russell Road from the vicinity of its intersection with the PSE Corridor Trail to S. 212th Street.
7. Modifications to Lower Russell Road in the vicinity of its intersection with S. 228th Street. The road embankment will be raised through its intersection with the floodwall in order to avoid the need for a flood gate.
8. Modifications to the PSE Corridor Trail in the vicinity of its intersection with Lower Russell Road. The road embankment will be raised through its intersection with the floodwall in order to avoid the need for a flood gate.
9. Modifications to the PSE Corridor Trail in the vicinity of its intersection with Lower Russell Road to provide vehicle access to the Kent Nursery; emergency response vehicle secondary access to the TIAA-CREF warehouse property; and maintenance and emergency vehicle access to the top of the new levee embankment running to the north while maintaining pedestrian and bicycle use of the trail.
10. A new trail system consisting of the Green River Trail (asphalt), and other secondary trails (e.g., gravel or soft surface). The project will complete a "missing link" of the Green River Trail, providing a separated paved segment that connects back up to the existing trail at S. 228th Street and S. 212th Street.
11. Storm drainage facilities to convey local runoff as required by the Project elements.
12. Landscaping of the project area
13. Relocation of the existing boat launch to a location in the vicinity of River Mile 19.0.
14. Relocation of utilities as required due to work associated with this project.
15. Acquisition of property directly impacted by this project.

III. Guiding Principles

The following guiding principles are foundational to this MOU:

1. The Lower Russell Road Levee Setback Project concept was developed and agreed upon collaboratively between the City of Kent (City) and King County Flood Control District (FCD). It involves many discrete public assets that bridge flood protection, aquatic and terrestrial habitat, recreational, road and civic infrastructure facility design. Both parties are invested in the successful outcomes envisioned during development of the project configuration, and understand that it will take extensive collaboration to achieve the desired outcomes envisioned.

2. Many stakeholders are keenly interested and participating in various aspects of the project. FCD and the City need to work closely together to consider stakeholder and partner input when deciding upon project choices.
3. The City and FCD will need to balance their aims of achieving the potential envisioned for this project with the need to also control costs. This balance will require a close and productive working relationship.

IV. Project Items Anticipated to Require Coordination Between the City of Kent and King County Flood Control District

Development and implementation of this project will require coordination between the FCD and the City on many project items. The following list is a sample of topics, and is not intended to be comprehensive:

- Property acquisitions and/or transfers
- Project design choices
- Coordination and collaboration on permit applications
- Funding strategy
- Coordination and collaboration on grant applications
- Compliance with grant funding obligations
- Construction scheduling and sequencing
- Construction logistics and oversight
- Post-construction maintenance

The topics listed above, as well as others that will be identified as the project advances, will be coordinated between the City and FCD according to the process described below.

V. Related/Overlapping Agreements

The City and FCD will develop and execute Interlocal Agreements that address easements and other property transaction details, as well as permitting, design, construction details between the City and FCD.

VI. Administration/Project Roles and Responsibilities

The FCD and the City are developing and implementing this project within a partnership relationship:

- The King County Flood Control District is the primary funder for the project. The District has an oversight role for this project.
- King County is providing the staffing for design/permitting/construction management. The County River and Floodplain Management Section is the service provider for the King County Flood Control District.
- The City of Kent is providing the majority of the land needed for the project, staffing resources for portions of the project, and miscellaneous consultant support.

Project roles for individuals and organizations are described below.

A. Project Representatives

The Parties will each designate a project representative to communicate and coordinate on project activities as described in this MOU. The project representatives have the authority to

speaking on behalf of their respective organizations within their respective organization's limits of what requires executive or legislative authorization. The representative for Kent will be a newly established staff position, the Project Representative. The representative for the FCD will be Lorin Reinelt, King County River and Floodplain Management Managing Engineer. The representatives will communicate as needed on project matters, and also coordinate within their respective organizations (King County Flood Control District, King County, and City of Kent) to enable them to represent the interests of their organizations.

B. King County and City of Kent Project Staff

Numerous staff from King County and the City of Kent will continue to have involvement in various aspects of the project, including development of technical elements. The work products developed by these staff will be coordinated between the project representatives prior to being finalized. Staff will strive to reach consensus, but if consensus cannot be reached the staff and project representatives will attempt to resolve issues using the procedures outlined in section X below.

C. Tribes, Stakeholders, Public and Regulatory/Resource Agencies

The parties outside of the City and King County listed in Attachment B have interest and involvement with the project. Examples of this involvement include providing information, advocating for certain project elements, and making decisions on permits and regulatory approvals. Often, these parties will be interfacing with project staff who are not the project representatives. Any significant input or interactions with parties in this category will be coordinated between the project representatives.

VII. Funding Strategy

The magnitude of this project requires a funding strategy that draws from numerous sources. Significant coordination is needed between King County, the City and FCD to identify candidate funding sources, decide on which to pursue, and develop successful grant applications. Administration of project funding must also be coordinated to ensure compliance with grant contractual obligations.

VIII. Decision-Making Process

A. Approval to Construct Project

The ultimate decision-makers for this project are the FCD and City of Kent, jointly. The project cannot be constructed without approval from both entities.

B. Decisions Regarding Project Design Elements, Funding, Schedule

The King County and City of Kent Project Representatives play a lead role in day-to-day decisions regarding project elements, design details, funding strategies, grant applications, and property transactions. Together, the project representatives will determine which topics require additional information, evaluation and discussion, and, if needed, authorization from management prior to moving ahead with design-level decisions.

C. External Parties Role in Decision-Making

Parties external to the FCD and City design teams do not have decision authority for this project. Such items as requests for design elements, input on design trade-offs/compromises, permitting or grant conditions will be discussed, evaluated, and decided upon jointly by the FCD

representative and City project representative.

External parties will play a role in connection with the project's inclusion in the Programmatic Environmental Impact Statement (PEIS) currently under development for the lower Green River. The programmatic permitting associated with the PEIS will require additional permitting coordination between the FCD and City that is not typical for project-level permitting.

D. King County Project Management Program Decision Gates

King County's project management manual prescribes four "stage gates" for capital projects. The King County River and Floodplain Management Section Manager and Managing Engineer hold approval authority for projects to proceed through each stage gate, unless the FCD determines it wants to make these gate decisions. The current status of the Lower Russell Road Levee Setback Project is the following:

Stage Gate 1 (Project Charter Approval) – Approved by RFMS Gate Committee (3/17/14)

Stage Gate 2 (Alternative Alignment and Project Elements Selected) – Approved by FCD Executive Committee (8/19/15)

Stage Gate 3 – Baseline/Preliminary Engineering (30% Design) – Preliminary design (30%) completed 1/15/16; however, the project has yet to be baselined

The following design milestones are anticipated prior to the project being bid for construction:

- 60%
- 90%
- Final (100% design and specifications)
- Bid documents and Advertisement for Bids

Stage Gate 4 – Project Review at Closeout – Not Complete

IX. Quarterly Briefings

The project representatives will meet quarterly with the FCD Executive Director to brief on project status.

X. Dispute Resolution

The City and FCD have committed to working together in good faith to implement the Lower Russell Road Levee Setback Project. The project description, roles and responsibilities, and decision-making process described above defines a flexible framework for the joint design team to work within.

The FCD and City Project Representatives will work together to resolve disagreements in the following manner:

1. Identify misunderstandings or disagreements that originate with project staff, stakeholders, tribes, the public or regulatory/natural resource agencies.
2. Discuss such misunderstandings or disagreements together with affected project team members and/or each other; determine jointly when agreement has been reached or whether additional discussion is needed.
3. Work together to resolve disagreements, and seek advisement from management at each's respective organization.
4. If agreement is not reached, the project representatives will take a few days, or up to a week, to "cool off", then re-engage with a concerted effort to create agreement.
5. If a disagreement is not resolved through the above steps, the issue should be escalated to the

management level to resolve, ideally in consultation with project staff.

XI. No Commitment of Funding

Nothing herein shall constitute a commitment of funding by either Party.

XII. Commencement/Expiration Date

Signed:

City of Kent

King County Flood Control District

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____