



**KING COUNTY  
FLOOD CONTROL  
DISTRICT**

# **KING COUNTY FLOOD CONTROL DISTRICT**

King County Courthouse  
516 Third Avenue  
Room 1200  
Seattle, WA 98104

## **Signature Report**

### **FCD Motion FCD24-05**

**Proposed No. FCD24-05.1**

**Sponsors**

1                   A MOTION adopting a Flood Reduction Facilities  
2                   Inventory Policy.

3                   WHEREAS, in 2007, the King County Flood Control Zone District ("District")  
4 was formed to provide flood risk reduction to the residents of King Count, and

5                   WHEREAS, through multiple interlocal agreements, King County ("County") has  
6 served as the primary service provider to the District, ensuring efficient implementation  
7 of flood risk reduction measures including the operations and maintenance of the  
8 County’s existing inventory of flood risk reduction facilities consisting of levees,  
9 revetments, and property used as flood storage ("Flood Risk Reduction Facilities"), and

10                  WHEREAS, the District provides the funding and strategic guidance necessary to  
11 implement, operate, and maintain a regional flood risk reduction system based on the  
12 principles of integrated floodplain management, and

13                  WHEREAS, the County, primarily in its work supporting the Water Resource  
14 Inventory Areas and salmon recovery, designs, permits, and implements habitat  
15 restoration projects that can involve a modification and/or removal of an existing County  
16 Flood Risk Reduction Facility, and

17                  WHEREAS, Section 9.3 of the 2021 interlocal agreement between the District  
18 and the County directed the development of a policy notifying the District of proposed  
19 modifications to the County’s Flood Risk Reduction Facilities, and

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20           WHEREAS, the District intends to continue District funding for the operations  
21 and maintenance of modified County Flood Risk Reduction Facilities after receipt of  
22 notice of the proposed modification, as set forth in Attachment A to this motion;

23           NOW, THEREFORE, BE IT MOVED BY THE BOARD OF SUPERVISORS  
24 OF THE KING COUNTY FLOOD CONTROL ZONE DISTRICT:

25           SECTION 1. The board of supervisors adopts the "Notification and Approval

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- 26 Procedures for Modifications to Flood Risk Reduction Facilities or Real Property
- 27 Interests in Inventory," Attachment A to this motion.

FCD Motion FCD24-05 was introduced on 10/2/2024 and passed by the King County Flood Control District on 10/8/2024, by the following vote:

Yes: 8 - Balducci, Barón, Dunn, Dembowski, Perry, Upthegrove, von Reichbauer and Zahilay  
Excused: 1 - Mosqueda

KING COUNTY FLOOD CONTROL DISTRICT  
KING COUNTY, WASHINGTON

Signed by:  
  
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Reagan Dunn, Chair

ATTEST:

DocuSigned by:  
  
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Russell Pethel, Clerk of the District

**Attachments:** A. Notification and Approval Procedures for Modifications to Flood Risk Reduction Facilities or Real Property Interests in Inventory

## **Notification and Approval Procedures for Modifications to Flood Risk Reduction Facilities or Real Property Interests in Inventory**

### **Background**

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Section 9.3 of the 2021 ILA between King County and the King County Flood Control Zone District<sup>1</sup> (District) directed the development of a policy for notifying the District of a proposed modification to the Inventory, planned addition or removal of a property interest, or a plan to change or modify an existing property interest. This policy is intended to meet the requirement set forth in Section 9.3 of the ILA.

King County, in its role as service provider to the District, updates information about the location and condition of facilities in the Inventory informed by regular Inspections, post flood damage assessments, development of capital investment strategies, capital project design, modifications to facilities, and application of improved modeling and GIS location technology.

King County, primarily in its work supporting the Water Resource Inventory Areas and salmon recovery, is responsible for designing, permitting, and implementing habitat restoration projects that typically entail some elements of flood risk reduction. These projects can involve the modification or removal of an existing flood risk reduction facility ("facility") within the County's River Facility Inventory (RFI) or related real property interest.

Habitat projects can be associated with facilities that are failing or damaged, or near the end of their design life. As a result of the habitat restoration projects, the facilities are often improved and/or have their design life extended. Additionally, there is a need to clarify post-project management, inspection, and maintenance responsibilities once construction and site planting are completed.

### **Glossary**

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#### **District Capital Improvement Project**

A project included in the District's annual budget or the 6-year capital improvement program.

#### **Flood Risk Reduction Facility**

A structure that provides protection from flood damage including, but not limited to, structures such as levees, berms, revetments, and floodwalls; dams or water diversions; and bank stabilization structures to reduce flooding and channel migration risk; and other supporting structures such as pump stations, culverts and piping.

#### **Inventory**

(1) Real Property Interests on the RFMS Property Interests List, which includes fee simple owned

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<sup>1</sup> The County shall maintain an inventory of all real property interests held in the name of the County for flood risk reduction and integrated floodplain management purposes, which shall include as a subset all real property interests acquired since the creation of the District by the County on behalf of the District and shall update the inventory concurrently with all new acquisitions. The County shall provide the District Executive Director with reasonable advance notice in accordance with the policy that will be developed pursuant to this section of any and all proposed modifications to the inventory, defined as a planned addition or removal of a property interest, or a plan to change or modify (including the sale, transfer or surrender thereof) an existing property interest. The District and its authorized representatives shall have the right to audit, examine or obtain copies of the inventory upon seven (7) days advance notice to the County. The District and County may develop and recommend to the Board a policy to govern the Board's notice and management over changes or modifications (as defined herein) of real property interests acquired by the County at the request of the District, pursuant to Section 9 of this Agreement.

property and permanent river protection easements; and (2) Flood Risk Reduction Facilities on the River Facility Inventory (RFI) under the Water and Land Resources Division's custodianship. These property interests are exclusive of other floodplain real property interests held in custodianship of County agencies other than the Water and Land Resources Division (WLRD).

### **Inspection**

A visual examination of a Flood Risk Reduction Facility to identify potential issues, deficiencies, and flood risks. Inspections typically occur during summer low-flow periods or immediately following major flood events.

### **Modify or Modification**

Any change to a Real Property Interest or Flood Risk Reduction Facility on the Inventory, including but not limited to a structural modification to a facility (e.g., repair, setback, retrofit, and removal), an adjustment to the legal boundaries or terms of a Real Property Interest, and/or change or conveyance of a real property interest in part or full.

### **Operations and Maintenance**

Ongoing activities and procedures necessary to ensure the proper functioning and effectiveness of Flood Risk Reduction Facilities designed to prevent or mitigate the impacts of flooding. These activities include but are not limited to regular Inspections, vegetation maintenance, cleaning and debris removal, repairs and replacements of damaged components, and other preventive and corrective measures aimed at maintaining the integrity and reliability of Flood Risk Reduction Facilities.

### **Real Property Interest**

The real property interests acquired by the County prior to the District's formation in 2007, and by the District or the County on behalf of the District following the District's formation for flood risk reduction and integrated floodplain management purposes. These real property interests may be held by the County, held by the County in the name of the District, or held by the District. These property interests are exclusive of other floodplain real property interests held in custodianship of County agencies other than WLRD.

### **Warranty Period**

The specified period of time during which the County or the entity responsible for the design and construction of a project guarantees and undertakes the responsibility for any defects or issues that may arise upon completion of the project. The duration of the warranty period can vary depending on the specific project. The purpose of the warranty period is to provide the District with a guarantee of the project's quality and to ensure that any unforeseen issues are resolved promptly.

### **Procedures for Facility Modifications**

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The County shall notify the District during the development and implementation of a habitat restoration project that may modify an existing facility or Real Property Interest as follows:

1. First Notice – The County shall provide a notification to the District at its earliest opportunity, but no later than prior to requesting grant funding or inclusion in the agency-proposed budget request to the Office of Performance, Strategy and Budget, when a project proposed to modify a Real Property Interest or Flood Risk Reduction Facility on the Inventory. The notification shall include the name of the facility, river location, river mile, implementation phase, multi-benefit design elements (e.g., flood hazard reduction, habitat, recreation, etc.) and the project's sponsoring entity.

2. Second Notice – Prior to completing the preliminary design, the County will seek input from the District on the design criteria to potentially and voluntarily modify the existing facility. The design criteria will cover flood containment level, channel migration hazard reduction, estimated design life, cost-sharing opportunities, and long-term maintenance efforts. An assessment of the existing facility will also be provided, including its current function and condition, level and type of protection, protected area characteristics, and anticipated future Operation and Maintenance costs. Unless flood risk objectives have changed, the County will ensure that the subsequent design provides an equal or better level of protection. The County will provide notification to the District within 30 days after the preferred alternative selection and the District shall have 45 days to request design upgrades to improve service level, extend design life, or enhance flood protection and commit necessary funding, if it so chooses. The District can express any objection to funding future Operation and Maintenance costs at the end of the Warranty Period, if it so chooses. The County will provide a warranty for materials, workmanship, and functionality for a period of five years after the substantial completion of the project. If the District requests upgrades that affect service level, design life, or flood protection, and the County incorporates them, the warranty period may be adjusted by mutual agreement.
3. Third Notice – At the successful conclusion of the warranty period, the County shall prepare and submit notification to the District that the facility will return to the inventory for ongoing Operation and Maintenance responsibilities. The County's notification shall document the project's success in meeting its design criteria for flood containment, channel migration hazard reduction, and estimated design life, as well as the estimated life cycle cost for Operation and Maintenance.

### **Semi-Annual Reporting**

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In addition to the notifications associated with the "Procedures for Facility Modifications," King County shall provide a report to the District semi-annually on or around January 31 and July 31 of each year of those projects where the project may modify an existing Flood Risk Reduction Facility. The report shall include, but not be limited to, the name of the facility, river location, river mile, implementation phase, multi-benefit design elements (e.g., flood hazard reduction, habitat, recreation, etc.) and sponsoring agency or partner.

### **Possible Removal of Facilities from the Rivers Facility Inventory**

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At times, some facilities no longer perform or function as designed, no longer provide flood risk reduction benefits, and/or have been replaced by another flood risk reduction strategy such as acquisition and therefore may be removed from the Inventory. There may be other factors resulting in the possible removal of a facility from the Inventory, such as capital projects authorized through a District Capital Investment Strategy, and new information that a facility never existed. Removal of these facilities may eliminate long-term Operation and Maintenance costs and unless qualifying as mitigation for those District Capital Improvement Projects that necessitate additional and/or off-site mitigation. For facilities to be removed from the inventory, notification shall be provided to the District at the earliest opportunity and included as part of the semi-annual January 31 and July 31 reports.

### **Notification of Changes to Real Property Interests**

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Section 12 of the District's 2023 budget and work program (Resolution FCD2022-13) directs the County to provide a monthly report to the District of the status of acquisitions and property interests necessary to implement the District's adopted work plan. This monthly report shall serve as the notification process for acquisitions or dispositions of Real Property Interests in the inventory maintained by the Water and Land Resources Division. In the event a Real Property Interest that the County acquired prior to the District's formation is proposed for surplus (including sale, relinquishment, or transfer of management responsibilities from WLRD to another custodial agency within the County) or proposed to be modified, written notification to the District will be provided. For Real Property Interests acquired with District funding, the sale or conveyance process shall be governed by [King County Code 4.56.060.E Real and Personal Property](#). For the modification of a Real Property Interest acquired with District funding, such as the modification of the location or terms and conditions of an easement, the County will seek input and concurrence from the District's Executive Director and legal counsel.