

S1

27 March 2007

gc/rb/an/br

Sponsor: Larry Phillips

Proposed No.: 2006-0334

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2006-0334, VERSION**

2 **1**

3 On page 1, beginning on line 10, strike everything through page 6, line 108, and insert:

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

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

9 B. Starting in late 2005, King County experienced one of the longest consecutive
10 periods of rainy days on record. The extended rainfall caused significant flooding and
11 revealed numerous deficiencies in the county's aging flood protection system. In
12 November 2006, record rainfall caused more flooding throughout King County, resulting
13 in millions of dollars in property damage, including additional damage to King County's
14 flood protection facilities. Another storm in mid-December 2006 brought even more
15 flooding to the region, causing millions more in property damage and the loss of life.
16 Flooding from that storm also forced the closure of Interstate 5 at Mercer Street, covered
17 multiple lanes of Interstate 5 and Interstate 405 at many locations and shut down dozens

18 of streets throughout the region. Following the 2006 flooding, King County was declared
19 a federal flood disaster area for the eighth time since 1990. In February, 2007 the US
20 Army Corps of Engineers identified nineteen levees in Washington State, all of which are
21 in King County, as being at risk of failure – the second highest number of any state in the
22 country.

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

28 D. Throughout King County there are nearly five hundred aging flood protection
29 facilities that cannot be repaired or maintained adequately, because of revenue
30 limitations. Investigations following the 2006 flood disaster determined that seventy-
31 eight of those facilities have sustained damage. In addition, there are significant needs
32 for new or enhanced flood protection facilities and measures throughout the county.

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

38 F. Many of the region's largest employers, such as Boeing, have major facilities
39 in areas that are protected by aging levies, many of which were damaged by recent
40 flooding. Further damage to those facilities from flooding or the failure to repair the

41 damage that has already occurred could have far-reaching economic impacts throughout
42 the region.

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

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

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

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

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

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

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

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

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

- 86 1. Including members from jurisdictions located in the flood plain;
87 2. Including members from jurisdictions that represent a majority of the
88 population in King County;
89 3. Providing geographic equity across the county; and
90 4. Providing representation for a diversity of large, medium and small
91 jurisdictions and equity of representation throughout King County's watersheds.

92 SECTION 2. In accordance with RCW 86.15.023, all existing flood control zone
93 districts within the county are hereby dissolved, ("the dissolved districts") including,
94 without limitation, the districts identified below. Further, the following resolutions, as
95 amended, which created the districts are hereby repealed as of the effective date of this
96 ordinance: the Coalfield Flood Control Zone District and Resolution 30560, passed
97 August 30, 1965; the Cumberland Flood Control Zone District and Resolution 30950,
98 passed November 15, 1965; the Enumclaw Flood Control Zone District and Resolution
99 30633, passed September 13, 1965; the Evans Creek Flood Control Zone District and
100 Resolution 34107, passed September 11, 1966; the Green River Flood Control Zone
101 District and Resolution 31192, passed January 10, 1966; the Greenwater River Flood
102 Control Zone District and Resolution 30849, passed October 25, 1965; the Kimball Creek
103 Flood Control District and Resolution 25183, passed December 17, 1962; the Patterson
104 Creek Flood Control Zone District and Resolution 28339, passed August 3, 1964, as
105 amended by Ordinance No. 829, passed May 17, 1971; the Sikes Lake Flood Control
106 Zone District and Resolution 32463, passed September 26, 1966; and the Southwest Lake
107 Sammamish Flood Control Zone District and Resolution 28067, passed June 15, 1964.

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

110 NEW SECTION. SECTION 4. The existing flood control zone districts having
111 been dissolved, in accordance with chapter 86.15 RCW, a countywide flood control zone
112 district covering the entire area of King County with boundaries as set forth in
113 Attachment A to this ordinance is hereby created as of the effective date of this
114 ordinance. The new district shall be known as the "King County Flood Control Zone
115 District." The King County Flood Control Zone District will address flood control needs
116 throughout King County, including, without limitation, needs in the areas comprising the
117 dissolved districts. The 2006 King County Flood Hazard Management Plan will serve as
118 the initial comprehensive plan for the King County Flood Control Zone District.

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

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

126 NEW SECTION. SECTION 7.

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

129 B. The advisory committee is created to advise the board of supervisors of the
130 King County Flood Control Zone District on regional flood protection issues by providing

131 recommendations to the board of supervisors on the district's work program and budget,
132 including capital improvement program projects.

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

135 1. Eleven permanent seats shall be held by:

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

139 b. the King County executive; and

140 c. a member or designee of the King County council; and

141 2. Four two-year seats shall be held by either mayors or city council members, as
142 nominated by the Suburban Cities Association or its successor, from the remaining cities in
143 King County to ensure the goal of diversity in the geographic location and size of
144 jurisdictions on the advisory committee.

145 D. The member or designee of the seat allocated to the King County council shall
146 be appointed by the chair of the King County council and the members for two-year seats
147 allocated to representatives of the Suburban Cities Association or its successor shall be
148 subject to confirmation by the King County council.

149 E. Each seat on the advisory committee shall have one vote.

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

152 SECTION 8. Upon the creation of the King County Flood Control Zone District,
153 all real and personal property of any nature whatsoever of any of the dissolved districts is

154 hereby transferred to the King County Flood Control Zone District, including, without
155 limitation, any rights to collect taxes or other money or property owed to any of the
156 dissolved districts. The manager of the stormwater services section, a professional
157 engineer, of the water and land resources division of the King County department of
158 natural resources and parks, is hereby appointed as the county engineer for the purposes
159 of winding up the affairs of the dissolved districts and transferring their assets, including
160 but not limited to all real and personal property and all property rights to the King County
161 Flood Control Zone District, and is hereby authorized to execute any agreements or take
162 such other actions as are necessary or convenient to effect such property transfers or
163 otherwise wind up the affairs of the dissolved districts.

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

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169 **EFFECT:**

- 170 • Reflects a number of council actions (e.g. dissolution of the Hylebos FCZD and the
171 adoption of the 2006 King County Flood Hazard Management Plan) that have
172 occurred subsequent to transmittal of the executive-proposed ordinance.
- 173 • Removes a now meaningless February 15, 2007 effective date.
- 174 • Specifies that the King County council will be the FCZD Board of Supervisors.
- 175 • Clarifies that rules governing council committees will be used until such time as the
176 Board adopts its own specific rules.
- 177 • Abolishes all existing FCZD advisory committees.
- 178 • Creates an advisory committee for the countywide FCZD.

S1.5

27 March 2007

vn/rb

Sponsor: Reagan Dunn

Proposed No.: 2006-0334

1 **AMENDMENT TO AMENDMENT S1 TO PROPOSED ORDINANCE 2006-0334,**

2 **VERSION 1**

3 On page 7, beginning on line 1410, strike everything through line 148, and insert:

4 2. Three two-year seats shall be held by either mayors or city council members,
5 as nominated by the Suburban Cities Association or its successor, from the remaining in
6 King County to ensure the goal of diversity in the geographic location and size of
7 jurisdictions on the advisory committee.

8 3. One two-year seat shall be held by an individual nominated by the
9 Unincorporated Area Councils, to ensure the goal of representation within unincorporated
10 urban and rural areas of King County, provided that, should no nomination be
11 forthcoming from the Unincorporated Areas Councils, the term of this seat may be
12 occupied by a mayor or city council member nominated consistent with subsection C.2 of
13 this section.

14 D. The member or alternate of the seat allocated to the King County council shall
15 be appointed by the chair of the King County council and the members for two-year seats
16 allocated to representatives of the Unincorporated Area Councils and the Suburban Cities
17 Association or its successor shall be subject to confirmation by the King County council.

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EFFECT: Amends the portion of Amendment S-1 relating to the two-year seats allocated to the Suburban Cities Association (SCA), by reducing the number of such seats to be allocated to the SCA from 4 seats to 3 seats. The fourth seat would then be allocated to a representative of an Unincorporated Area Council (UAC), provided that if a UAC nominee is not forthcoming, then the fourth seat would be made available to a representative from the SCA during the two-year term of the fourth seat.

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27 March 2007

GEC/rb

Sponsor: Larry Phillips

Proposed No.: 2006-0334

1: **TITLE AMENDMENT TO PROPOSED ORDINANCE 2006-0334, VERSION 1**

- 2 On page 1, beginning on line 5, after "state law;" delete "and repealing Resolution 30560,
3 30950, 30633, 34107, 31058, 30849, 25183, 28339, 32463, 28067 and 25759 and
4 Ordinance 2005" and insert "adding a new chapter to K.C.C. Title 2 and repealing
5 Resolutions 30560, 30950, 30633, 34107, 31058, 30849, 25183, 28339, 32463, 28067
6 and 25759, Ordinance 2005 and Ordinance 12075, Section 7, and K.C.C. 2.36.010"
7 **EFFECT:** Amends the title to reflect the striking amendment.

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3-27-2007

Sponsor: Larry Phillips

Proposed No.: 2006-0334

1 **AMENDMENT TO PROPOSED ORDINANCE 2006-0334, VERSION 1**

2 On page 6, after "Attachments: insert "A. Countywide FCZD Legal Description"

3

4 **EFFECT:** Technical correction to add reference to legal description mentioned in
5 ordinance text.