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Title: AN ORDINANCE relating to river and floodplain management, adopting the 2006 King County Flood Hazard Management Plan as a functional plan of the King County Comprehensive Plan; and amending Ordinance 11112, Section 1, and K.C.C. 20.12.480.

Sponsors: Dow Constantine, Jane Hague

Indexes: Comprehensive Plan, Flood Control

Code sections: 20.12.480 -

Attachments: 1. 15673.pdf, 2. 2006-0293 Transmittal Letter.doc, 3. 2006-0293 SEPA DNS - 2006 FHRP Update.doc, 4. 2006-0293 SEPA - FHRP 2006 Checklist.doc, 5. 2006-0293 Regulatory Note - REVISED 6-13-06.doc, 6. 2006-0293 Public Participation Process.doc, 7. 2006-0293 Notice of Council Hearing - REVISED 6-13-06.doc, 8. 2006-0293 Legal Advice.doc, 9. SR Attachment 3 - Policy comparison matrix.doc, 10. 2006-0293 FCZDbriefingpaper6-14-06.doc, 11. 2006-0293 FCZ Plan 2006 Fiscal Note.xls, 12. 2006-0293 Existing Vs Edited Policies 05-11-06.doc, 13. 2006-0293 60-Day State Agencies Distribution List.doc, 14. 2006-0293 60-Day Notification.doc, 15. A. 2006 King County Flood Hazard Management Plan, 16. Staff Report 7-11-06, 17. Staff Report 9-12-06, 18. Staff Report 9-19-06, 19. Staff Report Attachment 1 Funding Policies 9-19-06.doc, 20. Power Point 9-19-06, 21. 9_12_06 Slides .pdf, 22. Staff Report 11-13-06, 23. A. 2006 King County Flood Hazard Management Plan dated December 5, 2006, 24. 2006-0293 Hearing Notice.doc, 25. SR Attachment 2 - 2006 Plan Overview .doc, 26. SR Attachment 4 -Key Policy Analysis, 27. Amendment 1 - Add tributary-funding text, 28. Amendment 2 - FHMP approval non-binding for funding, 29. Amendment 3 - Intent for funding FCZD, 30. Amendment 4 - Patterson Creek, 31. Amendment 5A - Project Summary Purp, 32. Revised staff report 12-05-06, 33. 12_05_06 GMNR Chapter 7 FHMP.pdf, 34. Staff Report 12-05-06

Date	Ver.	Action By	Action	Result
1/16/2007	2	Metropolitan King County Council	Hearing Held	
1/16/2007	2	Metropolitan King County Council	Passed as Amended	Pass
12/5/2006	2	Growth Management and Natural Resources Committee	Passed Out of Committee Without a Recommendation	Pass
11/13/2006	1	Metropolitan King County Council	Re-referred	
11/13/2006	1	Metropolitan King County Council	Hearing Held	
9/19/2006	1	Growth Management and Natural Resources Committee	Deferred	
7/10/2006	1	Metropolitan King County Council	Introduced and Referred	

Clerk 1/17/2007

AN ORDINANCE relating to river and floodplain management, adopting the
2006 King County Flood Hazard Management Plan as a functional plan of the

King County Comprehensive Plan; and amending Ordinance 11112, Section 1,
and K.C.C. 20.12.480.

STATEMENT OF FACTS:

1. Six major river systems flow through King County - the South Fork Skykomish, Snoqualmie, Sammamish, Cedar, Green and White rivers - and their significant tributaries, the Tolt, Raging, Miller and Greenwater rivers. Other tributaries and smaller streams include Tokul creek, Kimball creek, Coal creek (Snoqualmie), Issaquah creek, Fifteen Mile creek and Holder creek.
2. River and stream flooding impact private property, businesses, public and private infrastructure such as parks and utilities, transportation corridors, and can directly and indirectly result in loss of life.
3. King County adopted the policies of the 1993 Flood Hazard Reduction Plan as operating principles to guide King County's River Management Program and to meet the intent of the water and natural resource policies of the 1994, 2000 and 2004 King County Comprehensive Plans. The Flood Hazard Reduction Plan is listed as a functional plan of the King County Comprehensive Plan 2004 in Technical Appendix A (Capital Facilities).
4. The 2006 Flood Hazard Management Plan is an update to the 1993 Flood Hazard Reduction Plan to respond to aging flood protection infrastructure and unmet maintenance needs, new or updated federal regulatory requirements, environmental impacts of past flood hazard management practices and changes in watersheds since 1993.
5. The 2006 King County Flood Hazard Management Plan meets the requirements of the National Flood Insurance Program's Community Rating System, which provides a thirty-five-percent discount on federally-backed flood insurance premiums for unincorporated King County property owners. Savings are approximately two hundred eighty-three dollars per year for the average flood insurance policy.

6. The 2006 King County Flood Hazard Management Plan complies with the federal Disaster Mitigation Act and will assure that King County remains eligible and competitive for state and federal programs providing technical and financial assistance to local communities for flood hazard management.
7. The 2006 King County Flood Hazard Management Plan considers the impact of flood hazard management policies and actions on habitat for Puget Sound Chinook salmon and bull trout, which are listed as threatened under the federal Endangered Species Act.
8. The 2006 King County Flood Hazard Management Plan proposes project actions to repair, replace, and in some cases remove, levee and flood protection infrastructure to ensure King County can adequately reduce flood risks and address critical infrastructure needs.
9. The 2006 King County Flood Hazard Management Plan is necessary to protect life and safety, valuable public and private property, the regional economy and general welfare of King County and its residents.
10. Implementation of the 2006 King County Flood Hazard Management Plan will require additional funds to ensure timely implementation of the projects and programs that are outlined in the plan to reduce flood risks and infrastructure needs on major rivers in King County and to address subregional flood risks and infrastructure needs on tributaries, and that carry out the flood risk policies and other policy objectives of the plan, as are identified by the council, executive and cooperating jurisdictions.
11. The King County executive has transmitted a proposed ordinance (Proposed Ordinance 2006-0334) proposing the formation of a countywide flood control zone district and the dissolution of existing flood control zone districts within the county.
12. Chapter 7 of the King County Flood Hazard Management Plan identifies the creation of a countywide flood control zone district and an annual assessment as the preferred alternative for

financing of projects listed in the plan. Proposed Ordinance 2006-0293 cannot and does not create a county flood control zone district or levy an assessment. Creation of such a district can only be accomplished through a separate legislative action by the council. The legislation to accomplish has been transmitted under Proposed Ordinance 2006-0334. Separate legislation would also be needed to levy an assessment.

13. Support for and approval of King County Flood Hazard Management Plan does not constitute a commitment, either by the council as a whole or by individual members of the council, to establish of a specific funding mechanism or tax assessment. Further deliberation on funding issues and discussions with other local governments in King County will take place as part of the council's deliberation on Proposed Ordinance 2006-0334 establishing a county flood control zone district.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11112, Section 1, and K.C.C. 20.12.480 are each hereby amended to read as follows:

The King County Flood Hazard ~~((Reduction))~~ Management Plan ~~((policies))~~, as shown in Attachment ~~((A [to Ordinance 11112] and incorporated herein by reference, are))~~ A to this ordinance is adopted as ~~((operating principles))~~ a functional plan to guide King County's ~~((flood hazard reduction))~~ river and floodplain management program~~((s))~~ and to meet the intent of the ~~((water and natural resource))~~ natural environment, and facilities and services policies of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, ~~((the policies))~~ the flood hazard management plan constitutes official county policy with regard to ~~((flood hazard reduction and flood plain))~~ river and floodplain management in King County. For each site-specific project, such as levee improvements or concentrated areas of home buyouts or elevations, a project summary is included to provide a better understanding of the flood or erosion conditions of concern and the action or actions proposed to address them. Project summaries, and references to

easements, buffers or levee improvements, including levee laybacks, in connection with such project summaries are intended to function at the level of planning documents and do not assume that the nature and scope of each of the described projects are the final project or action that are described in this chapter 5 or in Appendices E, F and G of Attachment A to this ordinance. The proposed projects and actions are not intended to substitute for the site-specific analysis to determine what is required for each of the site specific capital projects that will be recommended and adopted as part of an annual capital improvement plan. The priority, scope, nature and cost of the proposed projects or actions may change as the hydraulic, engineering and geotechnical conditions at each site are analyzed in greater detail, and as engineering alternatives are developed, analyzed, reviewed and negotiated with federal, state, local and tribal agencies and affected property owner or owners. However, while the plan sets forth what the county currently believes are best practices, nothing in this plan creates or precludes the creation of new land use requirements, laws or regulations. For the reach of the Tukwila 205 levee and any extensions thereof between South 180th Street and South 204th Street, the setback, easement, and slope design recommendations of the King County Flood Hazard Management Plan are satisfied if the repair, extension or modification of an existing levee or the design of a new levee meet the design guidelines and factors of safety in United States Army Corps of Engineers Engineering Manual for the Design and Construction of Levees (EM 1110-2-1913) dated April 30, 2000, as most currently updated.

SECTION 2. It is the intent of the county to take timely action to ensure adequate funding is available for the implementation of projects and programs that are outlined in the plan to reduce flood risks and infrastructure needs on major rivers in King County and to address such subregional flood risks and infrastructure needs on tributaries and in jurisdictions that have regulations consistent with the plan, that carry out the flood risk policies and other policy objectives of the plan, as may be identified by the executive, the executive's staff and cooperating jurisdictions. Such subregional flood risks and infrastructure needs as may be identified would also recognize past investments in flood risk reduction and local cost shares for any future funding.

SECTION 3. **Severability.** If any provision of this ordinance or its application to

any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

30 days prior, official paper

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