



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda

King County Flood Control District

*Boardmembers: Reagan Dunn, Chair; Dave Upthegrove, Vice Chair; Claudia Balducci, Rod Dembowski,
Larry Gossett, Jeanne Kohl-Welles, Kathy Lambert, Joe McDermott, Pete von Reichbauer*

1:30 PM

Monday, October 3, 2016

Room 1001

SPECIAL MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes of regular meeting of July 11, 2016 and special meeting of July 25, 2016 **page 3**

Discussion and Possible Action

4. [FCD Resolution No. FCD2016-15](#) **page 7**

A RESOLUTION authorizing the chair to enter into the second 2016 amendment to the Contract for Accounting Services.

5. [FCD Resolution No. FCD2016-17](#) **page 11**

A RESOLUTION relating to the King County Flood Control Zone District 2016 capital budget; approving grant fund projects; and authorizing expenditure of District funds for the approved projects from the appropriation of grant funds in Attachments C and D of Resolution FCD 2015-11 and Resolution FCD 2016-10.

6. [FCD Resolution No. FCD2016-22](#) **page 17**

A RESOLUTION approving an acquisition policy for the King County Flood Control Zone District.

7. [FCD Resolution No. FCD2016-23](#) **page 31**

A RESOLUTION approving an extension of the interlocal agreement with King County regarding flood protection projects and services.



Sign language and communication material in alternate formats can be arranged given sufficient notice (206-1000).

FDD Number 296-1024.

ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.



8. Adjournment



King County

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Meeting Minutes - Draft King County Flood Control District Executive Committee

*Boardmembers: Reagan Dunn, Chair;
Dave Upthegrove, Vice Chair; Claudia Balducci,
Kathy Lambert; Pete von Reichbauer*

10:00 AM

Monday, September 19, 2016

SW Conference Room

1. **Call to Order**

The meeting was called to order at 10:05 a.m.

2. **Roll Call**

Present: 5 - Ms. Balducci, Mr. Dunn, Ms. Lambert, Mr. Upthegrove and Mr. von Reichbauer

3. **Approval of Minutes of August 29, 2016**

Boardmember Upthegrove moved approval of the minutes of August 29, 2016 as presented. The motion passed unanimously.

4. **Financial Report**

Horace Francis, District accountant, reported on the June 2016 financial statement.

Items for Final Action by Executive Committee

5. Approval of invoices

Kjris Lund, Executive Director, reported on the following invoices: Water and Land Resources Division (WLRD) (operating June 2016 \$853,923.74; capital June 2016 \$3,318,966.48) and W2A (August 2016 \$7,500.00).

Tom Goff, staff to the chair, reported on the Lund Consulting invoice (September 2016 \$15,392.50).

Boardmember Upthegrove moved approval of the invoices as presented. The motion passed unanimously.

Items for Recommendation to the Board of Supervisors

6. **FCD Resolution No. FCD2016-20**

A RESOLUTION relating to the operations and finances of the District, adopting the 2017 budget and authorizing improvements.

Ms. Lund reported on the 2017 proposed budget resolution, including the Advisory Committee recommendations and financial plan. She also reported on the proposed work program and the annual budget attachment.

Mr. Goff answered questions of the committee.

Mark Isaacson, Director, WLRD, answered questions of the committee.

Discussion of the budget will continue at the October meeting. Board action on the budget will take place in November.

7. [FCD Resolution No. FCD2016-18](#)

A RESOLUTION relating to the finances of the King County Flood Control Zone District; authorizing a property tax levy to implement the District's 2017 budget; reserving banked capacity; and protecting up to \$.25 per \$1,000 of assessed value of the District's property tax levy from proration.

Ms. Lund reported on the proposed resolution regarding the District's levy rate for 2017, including banked capacity and reserving an amount for proration.

Discussion of the resolution will continue at the October meeting. Board action on the resolution may take place in November.

8. [FCD Resolution No. FCD2016-19](#)

A RESOLUTION relating to the finances of the King County Flood Control Zone District, and making a declaration of substantial need for the purpose of setting the limit factor for the District's 2017 tax levy.

Ms. Lund reported on the proposed resolution and also indicated that there may be no reason for this resolution to go forward.

Rod Kaseguma, District legal counsel, answered questions of the committee.

Discussion of the resolution will continue at the October meeting. Board action on the resolution may take place in November.

9. [FCD Resolution No. FCD2016-21](#)

A RESOLUTION approving a fund balance policy for the King County Flood Control Zone District.

Ms. Lund reported on the proposed resolution and fund balance policy.

Mr. Francis answered questions of the committee.

Discussion of the resolution will continue at the October meeting. Board action on the resolution may take place in November.

10. [FCD Resolution No. FCD2016-22](#)

A RESOLUTION approving an acquisition policy for the King County Flood Control Zone District.

Ms. Lund reported on the proposed resolution and acquisition policy.

Boardmember Lambert asked that Section 8.6.4 be amended to include that the councilmember in whose district a potential acquisition is located be notified of the acquisition and also notified of any public meetings about the acquisition. Boardmember Upthegrove suggested that the notification be made to all boardmembers themselves. The chair directed that there be an amendment to the policy for consideration at the board meeting.

Ms. Lund was directed to correct a typographical error in Section 4.9 to correct the ordinance number.

Boardmember Upthegrove moved to recommend the resolution to the board of supervisors as amended. The motion passed unanimously.

11. **FCD Resolution No. FCD2016-23**

A RESOLUTION approving an extension of the interlocal agreement with King County regarding flood protection projects and services.

Ms. Lund reported on the proposed resolution that approves the extension of the interlocal agreement with King County be extended.

Boardmember Lambert moved to recommend the proposed resolution to the board of supervisors. The motion passed unanimously.

Briefings

12. Cedar River Corridor Plan

Nancy Fargenburg, WLRD, briefed the committee on the Cedar River corridor plan.

13. Tolt River Corridor Plan

Chase Barton, WLRD, briefed the committee on the Tolt River corridor plan.

Manager Reports

14. Mark Isaacson, Director, Water and Land Resources Division

Mr. Isaacson thanked the District for its work and leadership. He also reported on the work being done in Skykomish.

15. Kjris Lund, Executive Director

Ms Lund thanked Mark Isaacson for his work with the District. Members of the committee also joined in the appreciation of Mr. Isaacson.

16. **Other Business**

There was no other business to come before the committee.

17. **Adjournment**

The meeting was adjourned at 11:37 a.m.

Approved this _____ day of _____.

Clerk's Signature



KING COUNTY

1200 King County Courthouse
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Signature Report

September 22, 2016

FCD Resolution

Proposed No. FCD2016-15.1

Sponsors

1 A RESOLUTION authorizing the chair to enter into the
2 second 2016 amendment to the Contract for Accounting
3 Services.

4 WHEREAS, the King County Flood Control Zone District ("District") has entered
5 into a contract for accounting services with Francis & Company, PLLC; and

6 WHEREAS, the District desires to amend the contract for accounting services as
7 set forth in Attachment A to this resolution; now, therefore

8 BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING
9 COUNTY FLOOD CONTROL ZONE DISTRICT:

10 SECTION 1. The chair of the King County Flood Control Zone District is
11 authorized to enter into the "Second 2016 Amendment to Contract for Accounting
12

13 Services," Attachment A to this Resolution.

14

KING COUNTY FLOOD CONTROL ZONE DISTRICT
KING COUNTY, WASHINGTON

Reagan Dunn, Chair

ATTEST:

Anne Noris, Clerk of the Board

Attachments: A. Second 2016 Amendment to Contract for Accounting Services

**SECOND 2016 AMENDMENT TO
CONTRACT FOR ACCOUNTING SERVICES
KING COUNTY FLOOD CONTROL ZONE DISTRICT**

THIS AMENDMENT amends Sections 1 and 2 of the Contract for Accounting Services (“Contract”) between the King County Flood Control Zone District, King County, Washington, a municipal corporation of the State of Washington (“District”) and Francis & Company, PLLC (“Accountant”), as follows:

A. Amendment of Section 1. Effective August 1, 2016, Section 1 of the Contract, as last amended by the 2016 Amendment, is further amended as follows:

1. Scope of Services to be Performed by Accountant. The Accountant shall perform the services described in Exhibit “A” to the Second 2016 Amendment. In performing the services, the Accountant shall comply with all federal, state and local laws and regulations applicable to the services. The Accountant shall perform the services diligently and completely and in accordance with professional standards of conduct and performance.

B. Amendment of Section 2. Effective August 1, 2016, Section 2 of the Contract, as last amended by the 2016 Amendment, is further amended as follows:

2. Compensation and Method of Payment. The Accountant shall request payment for work performed using the billing invoice form at Exhibit “B.” The District shall pay the Accountant according to the rates set forth in Exhibit “A” to the Second 2016 Amendment. The total compensation for services performed in the calendar year 2016 shall not exceed \$94,875. ~~annual budget appropriations for the services.~~

The Accountant shall complete and return to the District Exhibit “C,” Tax Identification Number,” prior to or along with the first billing invoice.

IN WITNESS WHEREOF, the parties hereto have executed this Second 2016 Amendment on the dates written below:

FRANCIS & COMPANY, PLLC.

KING COUNTY FLOOD CONTROL
ZONE DISTRICT

By: _____
CEO/Partner

By: _____
Board Chair

Date: _____

Date: _____

EXHIBIT A
SCOPE OF SERVICES
SECOND 2016 AMENDMENT

Tasks	Services
Meetings with Executive Director, Board, Executive Committee, Legal Counsel and others	Partner or Manager Work with Executive Director throughout the year as necessary (through Partner or Manager) to ensure that accounting and compliance issues are properly considered in the ongoing operation of the District. These services could include attendance at meetings with the Executive Director, Board and/or Executive Committee, and with legal counsel, State Auditor and others.
Conduct Accounting	<p>Work with Executive Director to track expenditures, verify expenditures, conduct periodic compliance monitoring, provide monthly financial statements, maintain accounting information within chart of accounts, maintain general ledger, prepare reporting formats, coordinate and interface with State Auditor, prepare and review internal control policies and procedures, and perform fixed assets accounting.</p> <p>Conduct accounting services necessary for compliance with grant conditions, including the use of federal funds.</p> <p>Assist with other financial and banking items such as but not limited to employer ID number, banking, budgeting and payroll service accounts. All services leading to financial close, preparation and delivery of monthly reports from data supplied by the District.</p>
Annual Compilation of financial statements with footnotes and reporting to the Board.	Produce a full set of year-end financial statements (including management's discussion and analysis and footnotes) in accordance with generally accepted accounting principles for annual audit.
Audit preparation and support services.	<p>Prepare annual internal audit of operating and management services contract with King County <u>in consultation with the Chair or his designee to determine areas of focus.</u></p> <p>Perform accounting and consulting services to support annual audit of the District, including working with King County departments to gather documents for the financial statements. Oversee the audit process including financial and accountability audits. Provide support during the audit, as the primary financial consultant for the District.</p>

Fees (Per Hour): Partner \$220; Manager \$150; Senior Accountant \$125; Staff Accountant \$102



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Signature Report

September 22, 2016

FCD Resolution

Proposed No. FCD2016-17.1

Sponsors

1 A RESOLUTION relating to the King County Flood Control Zone District 2016
2 capital budget; approving grant fund projects; and authorizing expenditure of District
3 funds for the approved projects from the appropriation of grant funds in Attachments C
4 and D of Resolution FCD 2015-11 and Resolution FCD 2016-10.

5 WHEREAS, in Attachments C and D of Resolution No. FCD 2015-11, the
6 District 2016 budget, and Resolution FCD 2016-10, the District reallocated 2016 budget,
7 the King County Flood Control Zone District ("District") board of supervisors
8 appropriated \$2,991,819 under the category of "Grant Fund", and

9 WHEREAS, a selection committee composed of the director of the water and land
10 resources division of the King County department of natural resources and parks, the
11 District's executive director and an at-large community member reviewed the 2016
12 applications for grant funds and made a recommendation regarding them to the District;

13 WHEREAS, the District's executive committee reviewed the selection
14 committee's recommendations;

15 WHEREAS, based on the recommendation of the selection committee, as
16 considered by the District's executive committee, the board of supervisors desires to
17 approve 2016 grant fund applications and projects; now, therefore

18 BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING
19 COUNTY FLOOD CONTROL ZONE DISTRICT:

20 SECTION 1. The board of supervisors approves the 2016 King County flood
21 reduction fund grant projects described in Attachment A to this resolution.

22

23

KING COUNTY FLOOD CONTROL ZONE DISTRICT
KING COUNTY, WASHINGTON

Reagan Dunn, Chair

ATTEST:

Anne Noris, Clerk of the Board

Attachments: A. 2016 King County Flood Reduction Fund Grant Projects

ATTACHMENT A: 2016 FLOOD REDUCTION GRANT RECOMMENDATIONS

APPLICANT	PROJECT	PROJECT DESCRIPTION	REQUEST	AWARD
Covington	<i>SE 256th St. Little Soos Creek Culvert Replacement</i>	The SE 265th St. Little Soos Creek Culvert consists of twin 90' long 36" concrete pipes. Over half of the pipe segments are in critical condition and the culvert no longer has structural integrity. This project would design a fish passable replacement for the culvert that would also alleviate localized upstream flooding issues.	\$200,000	\$200,000
Drainage Improvement District #7	<i>Pre-construction Feasibility for Dike Rebuilding in Cherry Valley</i>	Perform survey, geotechnical investigation, preliminary design, and cost estimate to complete pre-construction feasibility for improving the flood control dike along the left bank of Cherry Creek within the Snoqualmie River floodplain.	\$109,000	\$109,000
Federal Way	<i>Marine Hills Stormwater Conveyance System Repair</i>	This project will repair deteriorated stormwater pipes and structures in the Marine Hills subdivision using a cured in place pipe (CIPP) repair system. As a large percentage of deteriorated pipes have retained their original circumference with aligned contiguous joints, a non-invasive method of repair will provide needed structural repairs without reducing current capacity while avoiding costly open trench repairs.	\$400,000	\$400,000
King Conservation District	<i>KCD Agricultural Drainage Project - Phase 3</i>	This project builds on past efforts to develop and implement an expanded set of services to facilitate increased landowner participation in King County's Agricultural Drainage Assistance Program (ADAP). Key elements of our program to date have included landowner outreach, cost share assistance to landowners for dredging, and project monitoring. Given the significant landowner response to our outreach efforts and preliminary documentation of drainage problems, we propose a 12-month extension of funding to continue partnering with King County to support ADAP projects and establish a long-term approach to funding KCD's support for landowner participation in agricultural drainage projects.	\$214,313	\$214,313
King County Road Services	<i>185th Avenue NE Flood Risk Reduction</i>	Significantly reduce the threat to public safety, water quality, and infrastructure by replacing an aging culvert at Clay Pit Road and performing a control breach of a beaver dam near Coal Creek. This will result in continued public recreational access and maintenance access to Cougar Mountain Regional Wildland Park, as well as habitat restoration and enhanced fish passage at the project site. This project is seeking funding for planning, design and construction.	\$339,115	\$339,115

ATTACHMENT A: 2016 FLOOD REDUCTION GRANT RECOMMENDATIONS

APPLICANT	PROJECT	PROJECT DESCRIPTION	REQUEST	AWARD
Lake Forest Park	<i>Lyon Creek Arterial Culvert Replacement - NE 178th St</i>	Replace one 6' x 4.5' wide by 65' long corrugated metal pipe culvert on Lyon Creek that is collapsing and corroded, thus threatening the heavily used arterial NE 178 th Street. A 19'-20' wide concrete box culvert will be designed and constructed to replace the failing culvert. This will ensure NE 178 th St. doesn't collapse into Lyon Creek causing regional flooding.	\$400,000	\$120,000
Maple Valley	<i>Witte Road - Phase 4</i>	Construct a new replacement culvert under SE 256th Street to alleviate a known flooding problem and to also eliminate a fish passage barrier.	\$295,000	\$295,000
Mid Sound Fisheries Enhancement Group	<i>Longfellow Creek Community Flood Control</i>	Complete the designs and obtain permits for this important flood control project in the Delridge community of West Seattle; and complete initial engineering and report for the potential future projects on Seattle parklands. This phase of the project will design and obtain permits for a larger stream channel, larger and shorter culverts, floodplain benches, and habitat improvements along Longfellow Creek, with a goal of decreased flooding and a safer living environment for the community.	\$196,450	\$137,500
Newcastle	<i>Lake Boren Flooding Mitigation</i>	This work is a continuation of the project that received grant funding in 2014. The recently completed property acquisition provides an opportunity for necessary removal and restoration work. Removal of an unpermitted bridge across Boren Creek (the sole outlet to Lake Boren) will dramatically lessen the occurrence of flooding in Lake Boren.	\$190,000	\$90,000
Newport Villa Townhomes HOA, 12510 SE 42nd St., Bellevue, WA 98006	<i>Flooding Remediation at Newport Villa</i>	Design, permitting and coordination of flood remediation project to eliminate and/or reduce risk of structural flooding in the Newport Villa community and remove creosote railroad ties that no longer provide a safe and sound structure for holding back stormwater from properties.	\$45,200	\$45,200

ATTACHMENT A: 2016 FLOOD REDUCTION GRANT RECOMMENDATIONS

APPLICANT	PROJECT	PROJECT DESCRIPTION	REQUEST	AWARD
Sammamish	<i>Zackuse Creek Flood Reduction & Fish Passage</i>	The project includes 1) replacement of an aging, concrete culvert on East Lake Sammamish Parkway and 2) realignment and restoration of approximately 200 feet of Zackuse Creek upstream of the new culvert. The existing stream channel upstream of the culvert intersects the Parkway at a 90 degree angle which has caused severe erosion of the shoulder and has compromised the stability of the road and shoulder. The Parkway is a minor arterial and carries over 11,000 Average Daily Traffic at that location.	\$500,000	\$175,000
Sammamish River Crossing HOA, 10631 NE 173rd Place, Bothell, WA 98011	<i>Spring Hill Surface Water System Connection</i>	Above-hill development occurring over the last few decades has generated significant new water flow in an existing natural spring channel due to surface water from public streets and impervious surfaces. It is greatly increasing erosion as the increased water flow flushes silt downstream (posing a hazard to the Sammamish Slough habitat) and triggers periodic flooding and landslides. The flooding and landslides have caused significant property damage, both public and private and pose future risk to life and property.	\$213,560	\$213,560
SeaTac	<i>South 168th Stormwater System Improvements</i>	Currently, the existing stormwater flowing west to east from portions of Military Road and S. 168th St. comes to a low spot near 4405 S. 168th and overtops the existing ditch flooding local properties during heavy rain events. The project will lower downstream conveyance ditches and the pipe immediately east of the existing flooding area allowing flows to continue down gradient to the east. The project includes both design and construction of the project.	\$90,060	\$90,060
Shoreline	<i>25th Avenue NE Flood Reduction</i>	Since 2001, Ballinger Creek has flooded public and private properties in this area on at least 15 separate occasions. This project will design stream improvements to reduce Ballinger Creek flooding.	\$673,690	\$472,000
Skykomish	<i>Flood Reduction in Skykomish</i>	The West River Drive area of Skykomish experiences a high frequency of flooding. This portion of the Town is adjacent to the South Fork of the Skykomish River and contains several of the Town's stormwater outfalls. When the river level rises, the outfalls become submerged and water from the South Fork backflows into the Town.	\$139,700	\$139,700

ATTACHMENT A: 2016 FLOOD REDUCTION GRANT RECOMMENDATIONS

APPLICANT	PROJECT	PROJECT DESCRIPTION	REQUEST	AWARD
Snoqualmie Valley Watershed Improvement District	<i>Comprehensive Analysis & Pre-construction Plan for Ag Drainage Recovery in the Snoqualmie Valley</i>	Develop a comprehensive drainage network assessment and management plan throughout the boundaries of the SVWID. This detailed assessment will form the basis for the pre-engineering construction plan. This will increase the performance of the King County, KCD and FCD investments in the ADAP program. This plan will improve the current complaint-based, piecemeal drainage improvement projects to a more cost-effective hydrologically-based network approach.	\$158,110	\$158,110
Wild Fish Conservancy	<i>300th Street Culvert Replacement</i>	Design, permit, and construct the replacement of seven culverts at two sites on the Vanhulle property with precast concrete box structures. We are also requesting funds to model floodplain hydrology and produce preliminary designs for replacement of five culverts - three culverts (two sites) crossing 300th Ave NE with shared ownership between the Curtis and Vanhulle families and two additional undersized culverts on the Curtis property located downstream of the Vanhulle property.	\$421,926	\$126,500
TOTAL			\$4,586,124	\$3,325,058

Available:

\$3,326,240



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 15, 2016

FCD Resolution

Proposed No. FCD2016-22.1

Sponsors

1 A RESOLUTION approving an acquisition policy for the
2 King County Flood Control Zone District.

3 WHEREAS, RCW 86.15.080 provides powers to a flood control zone district
4 to acquire real property and real property interests in order to carryout the district's
5 purposes; and

6 WHEREAS, RCW 86.15.080 further states that the acquisition of necessary
7 property, property rights, facilities, and equipment necessary to the purposes of the zone
8 may be by purchase, gift, or condemnation; and

9 WHEREAS, RCW 86.15.080 states that title to all property or property rights
10 shall vest in the zone; and

11 WHEREAS, the King County Flood Control District ("District") may acquire
12 or reclaim lands when incidental to the purposes of the zone and dispose of such lands as
13 are surplus to the needs of the zone in the manner provided for the disposal of county
14 property; and

15 WHEREAS, the District relies on King County through its service provider,
16 the water and land resources division, and other jurisdictions, including municipalities, to
17 undertake acquisitions on behalf of the District in order to carry out the District's
18 purposes; and

19 WHEREAS, the board of supervisors desires to adopt policies to provide

20 guidance concerning real property and real property interests; now, therefore

21 BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING

22 COUNTY FLOOD CONTROL ZONE DISTRICT:

23 SECTION 1. The board of supervisors adopts the "Acquisition

24 Policy", Attachment A to this resolution.

25

KING COUNTY FLOOD CONTROL ZONE
DISTRICT
KING COUNTY, WASHINGTON

Reagan Dunn, Chair

ATTEST:

Anne Noris, Clerk of the Board

Attachments: A. Acquisition Policy

Property Acquisition Policy
King County Flood Control Zone District

Draft: September 18, 2016

1. Policy Intent

- 1.1. This property acquisition policy is intended to provide guidelines for when and how King County Flood Control District (“district”) resources are used to acquire real property or real property interests.
- 1.2. The district is a steward of public funds and seeks to make the most cost-effective investments in flood facilities while protecting public safety.
- 1.3. The district is responsible for building and maintaining flood facilities and requires the use of property to fulfill those purposes.
- 1.4. The district’s goal is to implement best practices to ensure that the acquisition and stewardship of real property and real property interests, particularly those for flood protection facilities, are documented and understood to ensure that there is clarity in communications about responsibilities for maintenance and managing of flood risk.
- 1.5. Once a facility is built, the district requires on-going access to inspect, monitor, maintain, and repair facilities.
- 1.6. The district’s intent is to provide flexibility in its acquisition guidelines to address the unique circumstances of flood emergencies, funding opportunities, and property owner willingness to sell.

2. Background

- 2.1. Since 2008, King County (“county”) through the department of natural resources and its parks, water and land resources division (“WLR Division”), has functioned as the primary service provider to the district under an interlocal agreement between the district and county, as authorized by chapter 39.34 RCW. Among its duties as service provider, the WLR Division implements the district’s work program. A substantial portion of the district’s work program involves acquisition of real property and real property interests necessary for construction projects, acquisition of structures in high-risk areas, as well as maintenance that often requires acquisition of real property or real property interests.
- 2.2. The district also contracts from time to time with other jurisdictions to implement district capital projects and these contracts often include acquisition of real property and real property interests.
- 2.3. Under section 9 of the interlocal agreement between the county and the district, the county may acquire on behalf of the district real property or real property interests with title to the real property or real property interests taken in the name of the county for later transfer to the district, as required by RCW 86.15.080.
- 2.4. Since 2008, the county, on behalf of the district, has acquired 122 properties related to structural capital projects, to reduce flood risk or to reduce repetitive losses. The majority of these acquisitions were voluntary. The Board of Supervisors of the district (“board”) has used condemnation on three projects.

3. Applicability of policy

- 3.1. This policy applies to any acquisition that uses district funds, including but not limited to property tax revenue and grant awards.
- 3.2. This policy applies to WLR Division and to any jurisdiction carrying out a flood capital project on behalf of the district.
- 3.3. This policy does not apply to district funds that are used for the WRIA grant program, Subregional Opportunity Fund program, or Flood Reduction grant program; however, those grant programs must comply with all applicable local, state, and federal laws related to property acquisition and relocation.

4. Citations of applicable state and federal law, other district policies

- 4.1. RCW 86.15.080(5): a zone may “acquire necessary property, property rights.”
- 4.2. RCW 86.15.080(7): a zone may “acquire or reclaim lands when incidental to the purposes of the zone.”
- 4.3. RCW 86.15.080(3): a zone may “take action necessary to protect life and property within the district from flood water damage, including in the context of an emergency.”
- 4.4. RCW 86.15.080(2): a zone may “acquire ... all necessary ... facilities, improvements, and works.”
- 4.5. RCW 86.15.100: “The supervisors may authorize the ... acquisition of necessary flood control or storm water control improvements within the zone.”
- 4.6. RCW 86.15.080 (1): a zone may “exercise all the powers ... vested in a county for flood water or storm water control purposes under the provisions of chapters 86.12, 86.13, 36.89 and 36.94 RCW.”
- 4.7. RCW 86.15.090: a zone “may, when necessary to protect life and property within its limits from flood water, exercise any of its powers specified in 86.15.080 outside its territorial limits.”
- 4.8. RCW 86.12.020: a county may, inside or outside its boundaries, construct, operate and maintain dikes, levees, revetments, bulkheads, rip-rap or other protection, and may “purchase, condemn or otherwise acquire land, property or rights.”
- 4.9. King County Ordinance 182273.

5. Types of Acquisitions

- 5.1. Flood or storm water capital projects.
 - 5.1.1. This includes acquisitions for approved capital construction projects.
- 5.2. Voluntary capital acquisition, such as home buy-outs.
 - 5.2.1. This includes acquisitions within mapped flood or channel migration hazard areas that are not part of either a corridor planning effort or an approved capital project.
- 5.3. Environmental mitigation for capital projects.
 - 5.3.1. This includes acquisitions for habitat mitigation or improvements where the flood or storm water protection benefits are secondary or where mitigation is necessary for an approved flood or stormwater capital project.
- 5.4. Imminent flood threat or emergency.
 - 5.4.1. This includes acquisitions resulting from a flood or channel migration hazard and involving an imminent threat to property or life where acquisition is the only way to alleviate the imminent threat.

5.4.1.1. To qualify as an “imminent threat,” there must be a change in circumstance such as recent flooding or change in channel location, and not simply the existence of an historical general flood hazard area threat.

6. Acquisition Considerations and Criteria

- 6.1. Acquisitions should be voluntary whenever possible and within a reasonable market range, except under limited circumstances.
- 6.2. Options to avoid or minimize acquisition should be considered first, including but not limited to the following:
 - 6.2.1. Using alternative design options for the proposed facility, such as raising the levee in place, constructing a floodwall, or improving the structural stability of the existing levee.
 - 6.2.2. Minimizing acquisition of new property or property rights, while still meeting the project goals, so as to meet engineering design standards, such as United States Army Corps of Engineers (“USACE”) guidelines, factors of safety for urban areas, environmental requirements or best management practices.
 - 6.2.3. Acquiring less than fee title if feasible, such as easements, conservation easements, boundary line adjustments, and other forms of landowner approvals (e.g., if publicly owned).
 - 6.2.4. Requesting that real property or real property interests be donated, when the owner is another governmental agency that benefits from the project.
- 6.3. Acquiring residential property should be considered where it is more cost effective than constructing new or expanded flood protection infrastructure.
- 6.4. In order to achieve consensus on multi-party goals for a project, it may be appropriate to acquire more property or more property rights than is necessary for a stand-alone flood protection facility.
- 6.5. Condemnation should be avoided until all reasonable offers for purchase have been rejected.
- 6.6. Condemnation should not be used for non-flood or non-stormwater district capital projects, except for required environmental mitigation.

7. Criteria for evaluating potential acquisitions

- 7.1. Acquisitions for health and human safety are high priorities.
- 7.2. Acquisitions in mapped flood hazard areas when flood depths exceed three feet or flow velocities exceed three feet per second are high priorities, in order to protect residents and emergency first responders.
- 7.3. Acquisition of property in the following categories are priorities:
 - 7.3.1.1. Floodways.
 - 7.3.1.2. Moderate and severe channel migration zones that are mapped and verified.
 - 7.3.1.3. “Repetitive loss” properties, which are properties identified by FEMA based on flood insurance claims, and therefore only cover those properties that have had federally-backed flood insurance rather than all properties that may be vulnerable to flood and channel migration hazards. Congress has adopted two definitions to identify Repetitive Loss properties as follows:

7.3.1.3.1 The National Flood Insurance Program (NFIP) defines a repetitive loss property as any insurable building for which two or more claims of more

than \$1,000 were paid by the NFIP within any rolling 10-year period since 1978. At least two of the claims must be more than 10 days apart but within 10 years of each other.

7.3.1.3.2 Under the Biggert-Waters Flood Insurance Reform Act of 2012, a repetitive loss property is a structure covered by a contract for flood insurance made available under the NFIP that:

- (a) Has incurred flood-related damage on 2 occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event and
- (b) At the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage

- 7.4. Capital district projects that will protect critical facilities or public infrastructure, such as roads, schools and utilities, as well as economic centers, and productive farmland.
- 7.5. Limit the amount of property rights acquired for access, right of entry, and construction, to those that are needed.
- 7.6. Acquisitions identified during river corridor planning for future potential capital projects are low priority until the district has approved the corridor plan or the board directs WLR Division to pursue an acquisition.
- 7.7. Obtain only the real property or real property interests that are sufficient to meet anticipated inspection, operation, maintenance and repair needs for the future.

8. Acquisition Procedures

- 8.1. By reference, this policy adopts the acquisition planning procedures outlined in the Water and Land Resources Project Management Manual (December 2014) (Manual), Chapter 1.6.9.1 – 1.6.9.3.
- 8.2. All jurisdictions carrying out a flood capital project on behalf of the district or acquiring property for a flood capital project shall comply with the Manual.
- 8.3. The landowner outreach plans described in sections 1.6.9.4 – 1.6.9.5 of the Manual are subject to the procedure described in section 8.5 below.
- 8.4. By reference, this policy adopts the procedures outlined in the Manual Chapter 6, for property evaluation, valuation, offers, relocation, closings, and post-closings such as maintenance plans.
- 8.5. The county shall notify the district Chair and Executive Director of any proposed changes to the acquisition chapters of the Manual (Chapters 1.6 and 6) and shall obtain approval, before these changes become incorporated into this policy, from the district through an amendment to this policy.
- 8.6. WLR Division shall consult with the board or the board's designee such as the Executive Committee, Chair, or Executive Director, as directed by the board, for the following steps in the acquisition process:
 - 8.6.1. Anticipated acquisition analysis associated with river corridor, river basin, and county flood hazard management planning.
 - 8.6.2. Capital project goals and charter.
 - 8.6.3. Acquisition planning associated with project management in phase 1 of project management manual.

8.6.4. Initial landowner outreach.

8.6.5. Outreach plan.

9. Delegation of Authority

- 9.1. WLR Division is authorized to carry out acquisition procedures in Sections 1.6.9.1-1.6.9.3 and Chapter 6 of the Manual.
- 9.2. The district's Executive Director is authorized to approve a property owner outreach plan and initial property owner outreach.
- 9.3. WLR Division must obtain the district's Executive Committee's prior approval for the following:
 - 9.3.1. Capital project charter and goals.
 - 9.3.2. Selection of design alternative.
 - 9.3.3. Initiation of 30, 60, and 90 percent design.
 - 9.3.4. Outreach plans for all acquisitions.
- 9.4. The district's board is authorized to initiate condemnation proceedings by resolution.

10. Reporting

10.1 WLR Division shall provide the district with an annual inventory database of all property acquired with district funds. The inventory shall include the original property owner, capital project general description and number, river, river reach, parcel numbers, acquisition cost, date closed, acreage, funding source, type of project, and actual or projected date of transfer of the property title to the district.

10.2 The county shall include a status report on all completed acquisitions and those under negotiation to the Executive Committee on a monthly basis.

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10-3-16
DRAFT ID

[Drafter's Initials] Sponsor: Dunn
Proposed No.: FCD2016-22

1 **AMENDMENT TO PROPOSED RESOLUTION FCD2016-22, VERSION 1**

2 On page 2, line 23, delete "Acquisition Policy" and insert "Acquisition Policy dated 10-3-
3 16."

4 Delete Attachment A. Acquisition Policy and insert Attachment A. Acquisition Policy
5 dated 10-3-16

6 ***EFFECT: Amends Acquisition Policy to include requirement that Water and land***
7 ***Resources Division shall keep the Supervisors of the affected Council geographic***
8 ***districts informed about key milestones related to landowner outreach, including initial***
9 ***outreach and the outreach plan.***

10

Attachment A
Property Acquisition Policy
King County Flood Control Zone District

October 3, 2016

1. Policy Intent

- 1.1. This property acquisition policy is intended to provide guidelines for when and how King County Flood Control District (“district”) resources are used to acquire real property or real property interests.
- 1.2. The district is a steward of public funds and seeks to make the most cost-effective investments in flood facilities while protecting public safety.
- 1.3. The district is responsible for building and maintaining flood facilities and requires the use of property to fulfill those purposes.
- 1.4. The district’s goal is to implement best practices to ensure that the acquisition and stewardship of real property and real property interests, particularly those for flood protection facilities, are documented and understood to ensure that there is clarity in communications about responsibilities for maintenance and managing of flood risk.
- 1.5. Once a facility is built, the district requires on-going access to inspect, monitor, maintain, and repair facilities.
- 1.6. The district’s intent is to provide flexibility in its acquisition guidelines to address the unique circumstances of flood emergencies, funding opportunities, and property owner willingness to sell.

2. Background

- 2.1. Since 2008, King County (“county”) through the department of natural resources and its parks, water and land resources division (“WLR Division”), has functioned as the primary service provider to the district under an interlocal agreement between the district and county, as authorized by chapter 39.34 RCW. Among its duties as service provider, the WLR Division implements the district’s work program. A substantial portion of the district’s work program involves acquisition of real property and real property interests necessary for construction projects, acquisition of structures in high-risk areas, as well as maintenance that often requires acquisition of real property or real property interests.
- 2.2. The district also contracts from time to time with other jurisdictions to implement district capital projects and these contracts often include acquisition of real property and real property interests.
- 2.3. Under section 9 of the interlocal agreement between the county and the district, the county may acquire on behalf of the district real property or real property interests with title to the real property or real property interests taken in the name of the county for later transfer to the district, as required by RCW 86.15.080.
- 2.4. Since 2008, the county, on behalf of the district, has acquired 122 properties related to structural capital projects, to reduce flood risk or to reduce repetitive losses. The majority of these acquisitions were voluntary. The Board of Supervisors of the district (“board”) has used condemnation on three projects.

3. Applicability of policy

- 3.1. This policy applies to any acquisition that uses district funds, including but not limited to property tax revenue and grant awards.
- 3.2. This policy applies to WLR Division and to any jurisdiction carrying out a flood capital project on behalf of the district.
- 3.3. This policy does not apply to district funds that are used for the WRIA grant program, Subregional Opportunity Fund program, or Flood Reduction grant program; however, those grant programs must comply with all applicable local, state, and federal laws related to property acquisition and relocation.

4. Citations of applicable state and federal law, other district policies

- 4.1. RCW 86.15.080(5): a zone may “acquire necessary property, property rights.”
- 4.2. RCW 86.15.080(7): a zone may “acquire or reclaim lands when incidental to the purposes of the zone.”
- 4.3. RCW 86.15.080(3): a zone may “take action necessary to protect life and property within the district from flood water damage, including in the context of an emergency.”
- 4.4. RCW 86.15.080(2): a zone may “acquire ... all necessary ... facilities, improvements, and works.”
- 4.5. RCW 86.15.100: “The supervisors may authorize the ... acquisition of necessary flood control or storm water control improvements within the zone.”
- 4.6. RCW 86.15.080 (1): a zone may “exercise all the powers ... vested in a county for flood water or storm water control purposes under the provisions of chapters 86.12, 86.13, 36.89 and 36.94 RCW.”
- 4.7. RCW 86.15.090: a zone “may, when necessary to protect life and property within its limits from flood water, exercise any of its powers specified in 86.15.080 outside its territorial limits.”
- 4.8. RCW 86.12.020: a county may, inside or outside its boundaries, construct, operate and maintain dikes, levees, revetments, bulkheads, rip-rap or other protection, and may “purchase, condemn or otherwise acquire land, property or rights.”
- 4.9. King County Ordinance 18227.

5. Types of Acquisitions

- 5.1. Flood or storm water capital projects.
 - 5.1.1. This includes acquisitions for approved capital construction projects.
- 5.2. Voluntary capital acquisition, such as home buy-outs.
 - 5.2.1. This includes acquisitions within mapped flood or channel migration hazard areas that are not part of either a corridor planning effort or an approved capital project.
- 5.3. Environmental mitigation for capital projects.
 - 5.3.1. This includes acquisitions for habitat mitigation or improvements where the flood or storm water protection benefits are secondary or where mitigation is necessary for an approved flood or stormwater capital project.
- 5.4. Imminent flood threat or emergency.
 - 5.4.1. This includes acquisitions resulting from a flood or channel migration hazard and involving an imminent threat to property or life where acquisition is the only way to alleviate the imminent threat.

5.4.1.1. To qualify as an “imminent threat,” there must be a change in circumstance such as recent flooding or change in channel location, and not simply the existence of an historical general flood hazard area threat.

6. Acquisition Considerations and Criteria

- 6.1. Acquisitions should be voluntary whenever possible and within a reasonable market range, except under limited circumstances.
- 6.2. Options to avoid or minimize acquisition should be considered first, including but not limited to the following:
 - 6.2.1. Using alternative design options for the proposed facility, such as raising the levee in place, constructing a floodwall, or improving the structural stability of the existing levee.
 - 6.2.2. Minimizing acquisition of new property or property rights, while still meeting the project goals, so as to meet engineering design standards, such as United States Army Corps of Engineers (“USACE”) guidelines, factors of safety for urban areas, environmental requirements or best management practices.
 - 6.2.3. Acquiring less than fee title if feasible, such as easements, conservation easements, boundary line adjustments, and other forms of landowner approvals (e.g., if publicly owned).
 - 6.2.4. Requesting that real property or real property interests be donated, when the owner is another governmental agency that benefits from the project.
- 6.3. Acquiring residential property should be considered where it is more cost effective than constructing new or expanded flood protection infrastructure.
- 6.4. In order to achieve consensus on multi-party goals for a project, it may be appropriate to acquire more property or more property rights than is necessary for a stand-alone flood protection facility.
- 6.5. Condemnation should be avoided until all reasonable offers for purchase have been rejected.
- 6.6. Condemnation should not be used for non-flood or non-stormwater district capital projects, except for required environmental mitigation.

7. Criteria for evaluating potential acquisitions

- 7.1. Acquisitions for health and human safety are high priorities.
- 7.2. Acquisitions in mapped flood hazard areas when flood depths exceed three feet or flow velocities exceed three feet per second are high priorities, in order to protect residents and emergency first responders.
- 7.3. Acquisition of property in the following categories are priorities:
 - 7.3.1.1. Floodways.
 - 7.3.1.2. Moderate and severe channel migration zones that are mapped and verified.
 - 7.3.1.3. “Repetitive loss” properties, which are properties identified by FEMA based on flood insurance claims, and therefore only cover those properties that have had federally-backed flood insurance rather than all properties that may be vulnerable to flood and channel migration hazards. Congress has adopted two definitions to identify Repetitive Loss properties as follows:
 - 7.3.1.3.1 The National Flood Insurance Program (NFIP) defines a repetitive loss property as any insurable building for which two or more claims of more

than \$1,000 were paid by the NFIP within any rolling 10-year period since 1978. At least two of the claims must be more than 10 days apart but within 10 years of each other.

7.3.1.3.2 Under the Biggert-Waters Flood Insurance Reform Act of 2012, a repetitive loss property is a structure covered by a contract for flood insurance made available under the NFIP that:

(a) Has incurred flood-related damage on 2 occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event

and

(b) At the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage

- 7.4. Capital district projects that will protect critical facilities or public infrastructure, such as roads, schools and utilities, as well as economic centers, and productive farmland.
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8.6.5. Outreach plan.

8.6.6. WLR Division shall keep the Supervisors of the affected Council geographic districts informed about key milestones related to landowner outreach, including initial outreach and the outreach plan.

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9.3.2. Selection of design alternative.

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10.2 The county shall include a status report on all completed acquisitions and those under negotiation to the Executive Committee on a monthly basis.



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 15, 2016

FCD Resolution

Proposed No. FCD2016-23.1

Sponsors

1 A RESOLUTION approving an extension of the interlocal
2 agreement with King County regarding flood protection projects
3 and services.

4 WHEREAS, since January 1, 2008, King County, through its department of
5 natural resources and parks, has provided a full range of flood protection services for the
6 King County Flood Control Zone District ("District"), pursuant to interlocal agreements
7 between the District and King County; and

8 WHEREAS, the District desires to have King County continue to perform
9 flood protection services; and

10 WHEREAS, the current interlocal agreement between the District and King
11 County, which became effective on January 1, 2016, may be extended once for two years
12 by sending notice to the county of its intention to extend the agreement on or before July
13 31, 2016; and

14 WHEREAS, the District chair provided such notice to the County; now, therefore

15 **BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING**
16 **COUNTY FLOOD CONTROL ZONE DISTRICT:**

17 Section 1. The board of supervisors agrees to extend the "Interlocal
18 Agreement Between King County and the King County Flood Control Zone District
19 Regarding Flood Protection Services", through December 31, 2018.

20 Section 2. Any acts made or taken consistent with the authority and prior to
21 the effective date of this resolution are ratified and confirmed.

22

KING COUNTY FLOOD CONTROL ZONE
DISTRICT
KING COUNTY, WASHINGTON

Reagan Dunn, Chair

ATTEST:

Anne Noris, Clerk of the Board

Attachments: None