



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

August 19, 2014

Ordinance 17862

Proposed No. 2014-0277.1

Sponsors von Reichbauer

1 AN ORDINANCE authorizing the King County executive
2 to execute a funding agreement by and among the King
3 County flood control zone district, the contributing parties
4 identified in the funding agreement and King County in
5 order to provide funding for the implementation and
6 completion of the countyline levee setback project.

7 STATEMENT OF FACTS:

- 8 1. King County functions as the service provider under an interlocal
9 agreement between the county and the King County flood control zone
10 district, and in this capacity has been in the process of designing, planning,
11 and implementing the countyline levee setback project.
- 12 2. The countyline levee setback project will consist of a setback levee and
13 bioretment along the White river in the vicinity of the cities of Pacific,
14 Auburn and Sumner, Washington, between river mile 5.0 and 6.3 ("the
15 countyline project").
- 16 3. The countyline project will have significant flood control and flood
17 protection benefits to help protect lives and residential properties in the
18 city of Pacific and the commercial properties in the city of Sumner that are
19 in the vicinity of this portion of the White river.

20 4. Addressing flood protection for the properties within the city of Pacific
21 is a high priority in the adopted 2006 King County Flood Hazard
22 Management Plan, as amended by the 2013 Flood Hazard Management
23 Plan Update.

24 5. The flood district has included significant funding for the countyline
25 project in its six-year capital improvement program.

26 6. While the flood district has been and continues to be a significant
27 source of funding for the countyline project, other entities have provided
28 or will provide funds for design, property acquisitions and construction,
29 including the salmon recovery funding board, and Pierce county through a
30 commitment to provide five hundred thousand dollars and real property
31 interests in the form of an easement on a tract owned by Pierce county.

32 7. King County has completed design drawings at the sixty percent level
33 for the countyline project and has submitted applications for federal, state
34 and local permits.

35 8. The countyline project is listed as one of the highest priorities in the
36 salmon habitat protection and restoration strategy for the Puyallup and
37 Chambers/Clover Creek watersheds in the National Marine Fisheries
38 Service's Puget Sound salmon recovery plan, and directly addresses
39 limiting factors identified in the recovery plan by restoring and providing
40 off-channel rearing habitat for fall and spring chinook, coho and steelhead.

41 9. The countyline project has significant environmental and ecological
42 benefits, as it will allow the White River to meander through the

43 floodplain complex, thus providing increased flood conveyance and
44 storage and rearing and refuge habitat for juvenile salmonids.

45 10. The county, through the water and land resources division of the
46 department of natural resources and parks, has sought additional funding
47 sources to make up the balance of the funding needed for project
48 implementation and completion.

49 11. Defendants in a lawsuit, United States of America v. Advance Ross,
50 et al., in the United States District Court of Western District of
51 Washington ("the contributing parties"), may have potential liability for
52 claims asserted against them by the Commencement Bay Natural
53 Resource Trustees under the Comprehensive Environmental Response,
54 Compensation and Liability Act for natural resource damages related to
55 historical contamination of the Thea Foss and Wheeler-Osgood waterways
56 on Commencement bay in Tacoma, Washington.

57 12. The contributing parties wish to resolve their potential liability related
58 to the waterways, in part, by contracting with the county and the flood
59 district for performance and implementation of the countyline project.

60 13. It is anticipated that the project will provide benefit to natural
61 resources, for which the contributing parties wish to obtain credit,
62 measured in or calculated as habitat, resource or wetlands restoration,
63 mitigation or preservation credits (collectively referred to in this ordinance
64 as "discounted ecological service acre-years credit").

65 14. In exchange for obtaining discounted ecological service acre-years
66 credit from the project, the contributing parties are willing to provide four
67 million seven hundred seventy-five thousand dollars towards
68 implementation and construction of the project.

69 15. The proposed funding agreement, Attachment A to this ordinance,
70 obligates the flood district and the county to fund, implement and
71 complete the countyline project and obligates the contributing parties to
72 pay four million seven hundred seventy-five thousand dollars in funds
73 towards completion of the project.

74 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

75 SECTION 1. The executive is authorized to execute on behalf of King County a
76 funding agreement, substantially in the form of Attachment A to this ordinance, by and
77 among the King County flood control zone district, the defendants in the lawsuit, United
78 States of America v. Advance Ross, et al., in the United States District Court of Western
79 District of Washington and King County in order to provide four million seven hundred

80 seventy-five thousand dollars of funding for the implementation and completion of the
81 countyline levee setback project.
82

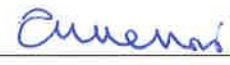
Ordinance 17862 was introduced on 7/14/2014 and passed by the Metropolitan King County Council on 8/18/2014, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Lambert,
Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove
No: 0
Excused: 1 - Mr. Phillips


KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


For Larry Phillips, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 29th day of August, 2014.


Dow Constantine, County Executive

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CLERK
KING COUNTY COUNCIL

Attachments: A. Funding Agreement