

S U M M A R Y

FILE NO.	2237	Thomas Guide Map No. 505-509, 535-539; 566-569, 596-599; 624-627, 629-630, 654-657, 684-685, 714-715, 744-49, 774-778, 807-809, 840-841
		Date Received: 07/21/06
		Date Completed: 07/24/06
ENTITY	King County	Date Distributed: 07/26/06
ACTION	Resolution to Achieve Dissolution of Existing Flood Control Districts within King County and Formation of a Countywide Flood Control District within King County	Date Filed:
		Expiration 45 Days: 09/04/06
TITLE	Formation of a Countywide Flood Control Zone District within King County	Board Meeting: 08/10/06

Description of Action:

The proposed action includes the formation of a single Countywide Flood Control Zone District which follows upon the dissolution of the 12 existing individual flood control zone districts located within the boundaries of King County. Ten of these individual districts are inactive entities. Officials of the two active districts are cooperating in the dissolution of these districts and formation of a single, unified Flood Control Zone District.

The County proposes the formation of a Countywide Flood Control Zone District for the purpose of providing coordinated regional management of flood protection and control facilities (e.g., construction, maintenance, repair) in order to protect persons and property within the entirety of King County

The formation of a Countywide Flood Control Zone District is proposed pursuant to the provisions of Chapter 86.15 RCW, which define a flood control zone district as a quasi-municipal corporation and an independent taxing authority under the State Constitution.

In accord with Chapter 86.15 RCW, the County is required to take action to dissolve the existing individual flood control zone districts prior to the formation of a consolidated Flood Control Zone District.

Thus the County proposes, under a Resolution approved in July 2006, the following actions:

(1) Dissolution of the following existing flood control zone districts:

- Coalfield
- Cumberland
- Enumclaw

- Evans Creek
- Green River
- Greenwater River
- Hylebos (territory extends from King County into Pierce County)
- Kimball Creek
- Patterson Creek
- Sikes
- South Lake Sammamish
- Southwest Lake Sammamish

(2) Formation of a single Countywide Flood Control Zone District.

Location

The proposed Countywide Flood Control Zone District includes the several individual flood control zone districts located throughout King County. More specifically:

Coalfield Flood Control District: This District is located north of the Cedar River including lands within the City of Newcastle and the City of Renton and unincorporated territory.

Cumberland: This District is located east of Black Diamond in unincorporated King County (including service to both Urban Area and Rural Area).

Enumclaw: This District encompasses the City of Enumclaw and surrounding unincorporated King County (including service to both Urban Area and Rural Area).

Evans Creek: This District encompasses portions of the City of Redmond, the City of Sammamish, and territory in the unincorporated Urban Area in King County. The District serves Urban Area and Rural Area.

Green River: This District includes territory in or near to Auburn, Buriem, Des Moines, Federal Way, Kent, Normandy Park, SeaTac, and Tukwila. There is also unincorporated Urban Area included within this Flood Control District.

Greenwater River: This District is located within Rural Area in southeast King County.

Hylebos: This District is located in south King County, including Urban Area within Federal Way, near to Auburn and Pacific, and including unincorporated Urban Area in King County.

Note: The Hylebos Flood Control Zone District, was formed in 1974 jointly by King County and Pierce County. As such the Hylebos District boundaries encompass portions of both counties. This District has been inactive for over two decades. In cooperation and coordination with King County, Pierce County is in the process of moving forward to dissolve the Hylebos District. This action will be completed before the King County Council takes final action on the dissolution/formation ordinance establishing a King County Countywide Flood Control Zone District.

Kimball Creek: This District is located within the boundaries of the City of North Bend and the City of Snoqualmie. The District also serves unincorporated Urban Area and Rural Area within King County.

Patterson Creek: This District is located east of the City of Sammamish. A portion of the District is located in unincorporated King County. The District serves Urban Area and Rural Area.

Sikes: This District is located west of the City of Carnation and south of the City of Duvall. The entire District is located in unincorporated King County. The District serves Urban Area and Rural Area.

South Lake Sammamish: This District is located west of Lake Sammamish including territory within the City of Bellevue and the City of Redmond.

Southwest Lake Sammamish: This District is located west of Lake Sammamish including territory within the City of Bellevue, the City of Newcastle, and the City of Issaquah. The District also includes unincorporated Urban Area within King County.

Land Area/Land Uses

The proposed Flood Control Zone District comprises the entirety of King County (2134 square miles). The Flood Control Zone District encompasses both developed land and vacant land in King County's Urban Growth Area and Rural Area.

Land uses include residential development, commercial development, industrial development, open spaces, public facilities and infrastructure, agriculture, mining, and forest lands.

Population

The proposed Flood Control Zone District comprises the entirety of King County (including urban incorporated area, urban unincorporated area, and rural area). King County has a total population of approximately 1,835,000 persons.

Assessed Valuation

The proposed Flood Control Zone District comprises the entirety of King County (including urban incorporated area, urban unincorporated area, and rural area). King County has a total assessed valuation of \$270,565,497,004.

County Comprehensive Plan Designation/Zoning

The proposed Flood Control Zone District comprises the entirety of King County (including urban incorporated area, urban unincorporated area, and rural area).

County Comprehensive Plan land designations and zoning designations apply only to unincorporated urban areas and rural areas. Land use designations and zoning designations for various urban areas permit specific uses which may include residential development, commercial development, industrial development, public uses and open spaces. Designations for rural areas variously permit residential development, agricultural uses, mining, forestry, and open spaces.

Zoning for/implementation of public services and facilities is established for urban areas and rural areas in accord with State law and the King County Comprehensive Plan.

The formation of the consolidated King County Flood Control Zone District will have no effect upon the designations and land uses established by King County.

**City Comprehensive Plan/
Zoning Designations**

The proposed Flood Control Zone District comprises the entirety of King County (including urban incorporated area, urban unincorporated area, and rural area).

Urban incorporated areas are established for land use designations and zoning designations established in a comprehensive plan and zoning regulations established by the governing municipal jurisdiction.

Land use designations for various urban areas permit specific types of uses which may include residential development, commercial development, industrial development, public uses, and open spaces.

Land use designations for rural areas permit specific types of uses which may include residential development, agricultural uses, mining, forestry, and open spaces.

Zoning designations for various urban areas permit specific types of uses which may include residential development, commercial development, industrial development, public uses and open spaces. Agricultural uses, mining, and forestry are permitted in some portions of the urban areas within the cities of King County.

The formation of the consolidated King County Flood Control Zone District will have no effect upon the designations and land uses established by the governing municipality.

**District Comprehensive Plan/
District Franchise**

Under the mandates of the Growth Management Act, King County has established a Comprehensive Plan and Countywide Planning Policies for urban areas and rural areas within the County. The Comprehensive Plan that includes as a functional plan the 1993 King County Flood Hazard Reduction Plan.

Urban Growth Area (UGA)

The proposed Countywide Flood Control Zone District includes lands within the Urban Growth Area and lands within the Rural Area as identified under the State Growth Management Act and the King County Comprehensive Plan.

King County includes approximately 384 square miles of incorporated urban lands.

Approximately 1750 square miles of land are located in unincorporated King County. Approximately 80 square miles of unincorporated lands are designated as Urban Area. The remaining approximately 1670 square miles are designated as Rural Area.

Existing Flood Control Zone Districts are located within urban and/or rural areas as described below:

Coalfield: This District is located north of the Cedar River including lands within the City of Newcastle and the City of Renton and unincorporated Urban Area.

Cumberland: This District is located east of Black Diamond in unincorporated King County (including both Urban Area and Rural Area).

Enumclaw: This District encompasses the City of Enumclaw and surrounding unincorporated King County (including service to both Urban Area and Rural Area).

Evans Creek: This District encompasses portions of the City of Redmond, the City of Sammamish, and territory in the unincorporated Urban Area in King County. The District serves Urban Area and Rural Area.

Green River: This District includes territory in or near to Auburn, Burien, Des Moines, Federal Way, Kent, Normandy Park, SeaTac, and Tukwila. There is also unincorporated Urban Area included within this Flood Control District.

Greenwater River: This District is located within Rural Area in southeast King County.

Hylebos: This District is located in south King County, including Urban Area within Federal Way, near to Auburn and Pacific, and including unincorporated Urban Area in King County.

Kimball Creek: This District is located within the boundaries of the City of North Bend and the City of Snoqualmie. The District also serves unincorporated Urban Area and Rural Area within King County.

Patterson Creek: This District is located east of the City of Sammamish. A portion of the District is located in unincorporated King County. The District serves Urban Area and Rural Area.

Sikes: This District is located west of the City of Carnation and south of the City of Duvall. The entire District is located in unincorporated King County. The District serves Urban Area and Rural Area.

South Lake Sammamish: This District is located west of Lake Sammamish including territory within the City of Bellevue and the City of Redmond. The District lies entirely within Urban Area.

Southwest Lake Sammamish: This District is located west of Lake Sammamish including territory within the City of Bellevue, the City of Newcastle, and the City of Issaquah. The District also includes unincorporated Urban Area within King County. The District lies entirely within Urban Area.

SEPA Declaration

Environmental review documents were prepared for the proposed King County Flood Control District in July 2006. These documents report a Determination of Non-Significance.

ENTITIES/AGENCIES NOTIFIED:

King County Council Member(s) Larry Phillips, Chair; Bob Ferguson, Dow Constantine, Reagan Dunn, Larry Gossett, Jane Hague, Kathy Lambert; Julia Patterson, Pete Von Reichbauer

King County: Clerk of Council, Department of Assessments, Fire Marshal, Health Division, State Department of Ecology, Puget Sound Regional Council, Municipality of Metropolitan Seattle (Metro)

Cities: Algona, Auburn, Beaux Arts Village, Bellevue, Black Diamond, Bothell, Burien, Carnation, Clyde Hill, Covington, Des Moines, Duvall, Enumclaw, Fall City, Federal Way, Hunt's Point, Issaquah, Kenmore, Kent, Kirkland, Lake Forest Park, Maple Valley, Medina, Mercer Island, Milton, Newcastle, Normandy Park, North Bend, Pacific, Redmond, Renton, Sammamish, SeaTac, Seattle, Shoreline, Skykomish; Snoqualmie, Tukwila, Woodinville, Vashon Island; Yarrow Point.

Fire Prevention/Protection:

Municipal Fire Departments: Auburn Fire Department; Bellevue Fire Department; Black Diamond Fire Department; Bothell Fire and Emergency Medical Services; Enumclaw Fire Department; Mercer Island Fire Department; Milton Fire Department; Pacific Fire Department; Redmond Fire Department; Renton Fire Department; SeaTac Fire Department; Seattle Fire Department; Snoqualmie Fire & Rescue; Tukwila Fire Department.

King County Fire Districts: King County Fire District No. 2; King County Fire District No. 4/Shoreline Fire Department; King County Fire District No. 10/Eastside Fire & Rescue; King County Fire District No. 11; King County Fire District No. 14; King County Fire District No. 16/Northshore Fire Department; King County Fire District No. 17; King County Fire District No. 20; King County Fire District No. 24; King County Fire District No. 25; King County Fire District No. 27; King County Fire District No. 28; King County Fire District No. 31; King County Fire District No. 34; King County Fire District No. 36/Woodinville Fire & Life Safety District; King County Fire District No. 37; King County Fire District No. 38; King County Fire District No. 39/South King Fire & Rescue; King County Fire District No. 40; King County Fire District No. 41; King County Fire District No. 43/Maple Valley Fire & Life Safety; King County Fire District No. 44/Moiuntain View Fire & Rescue; King County Fire District No. 45; King County Fire District No. 47; King County Fire District No. 49; King County Fire District No. 50; King County Fire District No. 51/Snoqualmie Pass Fire & Rescue.

Water Districts:

Regional and Local Districts: Ames Lake Water Association; Bryn-Mawr-Lakeridge Water & Sewer District; Burton Water Company; Crestview Tracts #3 Water Association; Cumberland Water Cooperation; Cedar River Water & Sewer District; Coal Creek Utility District; Covington Water District; Dawnbreaker Water Association; Derbyshire Scenic Water Association; Diamond Springs Water Association; Dockton Water Association; Eighty-Five Acres Water System; Evergreen Water Improvement; Fall City Water District; Foothills Water Association; Gold Beach Water; Heights Water Corporation; Highline Water District; King County Water District #1; King County Water District No. 19; King County Water District No. 20; King County Water District No. 45; King County Water District No. 49; King County Water District No. 54; King County Water District No. 83; King County Water District No. 85; King County Water District No. 90; King County Water District No. 111; King County Water District No. 117; King County Water District No. 119; King County Water District No. 123; King County Water District No. 125; Lake Forest Park Water District; Lakehaven Utility District; Lake Margaret Community Club (Water Purveyor); Maplewood Addition Water Association; Maury Mutual Water Company; Northeast Sammamish Sewer & Water District; Northshore Utility District; Overdale Water Association; Ravensdale Water District; Riverbend Homesites Association (Water Purveyor); Sallal Water Association, Inc.; Sammamish Plateau Water & Sewer District; Seattle Public Utilities; Shoreline Water District; Snoqualmie Pass Utility District; Skyway Water & Sewer District; Soos Creek Water & Sewer District; Union Hill Water Association Inc.; Westside Water Association; Woodinville Water District.

Municipal Public Utilities: Algona, Auburn, Beaux Arts Village, Bellevue, Black Diamond, Bothell, Burien, Carnation, Clyde Hill, Covington, Des Moines, Duvall, Enumclaw, Fall City, Federal Way, Hunt's Point, Issaquah, Kenmore, Kent, Kirkland, Lake Forest Park, Maple Valley, Medina, Mercer Island, Milton, Newcastle, Normandy Park, North Bend, Pacific, Redmond, Renton, Sammamish, SeaTac, Seattle, Shoreline, Skykomish; Snoqualmie, Tukwila, Woodinville, Vashon Island; Yarrow Point.

Sewer Districts:

Regional Districts: Bryn-Mawr-Lakeridge Water & Sewer District; Cedar River Water & Sewer District; Coal Creek Utility District; Highlands Sewer District; Midway Sewer District; Northeast Sammamish Sewer & Water District; Northshore Utility District; Ronald Wastewater District; Sammamish Plateau Water & Sewer District; Skyway Water & Sewer District; Snoqualmie Pass Utility District; Soos Creek Water & Sewer District; Southwest Suburban Sewer District; Val Vue Sewer District; Vashon Sewer District.

Municipal Public Utilities: Algona, Auburn, Beaux Arts Village, Bellevue, Black Diamond, Bothell, Burien, Carnation, Clyde Hill, Covington, Des Moines, Duvall, Enumclaw, Fall City, Federal Way, Hunt's Point, Issaquah, Kenmore, Kent, Kirkland, Lake Forest Park, Maple Valley, Medina, Mercer Island, Milton, Newcastle, Normandy Park, North Bend, Pacific, Redmond; Renton, Sammamish, SeaTac, Seattle, Shoreline, Skykomish; Snoqualmie, Tukwila, Woodinville, Vashon Island; Yarrow Point.

School Districts:

Auburn School District No. 408; Bellevue School District No. 405; Enumclaw School District No. 216; Federal Way School District No. 210; Fife School District No. 888; Highline School District No. 401; Kent School District No. 415; Lake Washington School District No. 414; Mercer Island School District No. 400; Northshore School District No. 417; Renton School District No. 403; Riverview School District No. 407; Seattle School District No. 001; Shoreline School District No. 412; Skykomish School District No. 404; Snoqualmie School District No. 410; Tahoma School District No. 409; Tukwila School District No. 406; Vashon School District No. 402.

Other Entities:

Flood Control Districts (Active):

- Green River
- Patterson Creek

Muckleshoot Tribe

SUMMARY: File No. 2237

The Office of the Executive of King County has filed a Notice of Intention to: (1) dissolve existing flood control districts in King County; and (2) form a Flood Control District pursuant to authorities granted by RCW 86.15. The proposed Flood Control District includes the territory of each of the 11 flood control districts located entirely within the corporate limits of King County. The proposed Flood Control District also includes that portion of the Hylebos Flood Control District located within the corporate limits of King County; Pierce County will retain authority over that portion of the Hylebos District located within the corporate limits of Pierce County.

The proposed Flood Control Zone District comprises the entirety of King County (2134 square miles). The Flood Control Zone District encompasses both incorporated lands and unincorporated lands in King County's Urban Growth Area and Rural Area. The Flood Control District is anticipated to serve approximately 1,835,000 people residing in the communities of King County.

Chapter 86.15 RCW authorizes the formation of such a countywide flood control zone district. In 1991, in Chapter 86.15 RCW, the state legislature found that the prevention of flood damage requires a comprehensive approach, incorporating storm water management and basin-wide flood protection planning. The State legislature encouraged county legislative authorities to use and coordinate all the regulatory, planning and financing mechanisms available to those jurisdictions to address the problems of flooding in an equitable and comprehensive manner.

The Proposed 2006 King County Flood Hazard Management Plan recommends the formation of a single County Flood Control Zone District, consistent with Chapter 86.15 RCW, in order to coordinate management of flood control facilities within King County to address requirements for protection of public health, welfare, and safety and to ensure maintenance of properties in our communities.

In consideration of the formation of a consolidated King County Flood Control Zone District, County officials determined that the 12 existing flood control zone districts in King County were all formed approximately 40 years ago (i.e., 1960's - 1970's). Eleven of these existing districts have reportedly been inactive (and lacking ongoing funding sources) for decades. The Green River Flood Control Zone District is the only active district with an existing funding source. Upon dissolution, the Green River District's assets would be transferred to the proposed new consolidated Flood Control Zone District.

The State Growth Management Act (Chapter 36.70A RCW) supports the establishment of a countywide Flood Control Zone District. For example, RCW 36.70A.020 (10) calls for protection and enhancement of natural and built environments.

The proposed formation of a consolidated King County Flood Control Zone District is consistent with the King County Comprehensive Plan and Countywide Planning Policies for urban areas and rural areas within the County. These documents support the formation of a consolidated Flood Control Zone District in order to protect facilities and infrastructure serving the County. Further, the formation of a consolidated Flood Control Zone District is consistent with – and supports -- the statutory mandates, policies and programs in place in King County, local municipalities and special purpose districts for service to communities within the County.

For example, King County Countywide Planning Policies – Section II (E) states that "The State adopted comprehensive flood legislation in 1991 (Senate Bill 5411) that makes the Growth Management Act requirement for coordination and consistency on flood hazard regulations much more explicit." Under the mandates of the Growth Management Act, King County has adopted a Comprehensive Plan that includes as a functional plan the 1993 King County Flood Hazard Reduction Plan. These documents support the formation of a consolidated Flood Control Zone District in order to protect facilities and infrastructure serving the County.

The King County consolidated Flood Control Zone District would enable the County to undertake comprehensive action to protect from flooding those facilities providing potable water service, facilities lines providing for wastewater management, and transportation corridors. Protection of those facilities is essential to enable the County, the cities of the County, and the special purpose districts serving the

County to provide basic services to the citizens of urban areas and rural areas. The formation and operation of a consolidated King County Flood Control Zone District would have no direct impact upon the governance structure or service function of any local municipality or special purpose district.

The formation and operation of a consolidated King County Flood Control Zone District would have no impact upon built communities. Similarly, the formation and operation of a consolidated King County Flood Control Zone District would result in no changes to the preservation or management of the natural environment.

King County would continue to govern land planning/development for unincorporated urban areas and rural areas. The County would continue to establish and manage land uses including residential development, commercial development, industrial development, open spaces, public facilities and infrastructure, agriculture, mining, and forest lands. The County would continue to enforce policies, programs and statutes to ensure preservation of the natural environment (e.g., topography/terrain, water bodies, habitat communities.)

Local municipalities would continue to govern land planning/development for incorporated urban areas. The appropriate local jurisdiction would continue to establish and manage land uses including residential development, commercial development, industrial development, open spaces, public facilities and infrastructure, agriculture, mining, and forest lands. The appropriate local jurisdiction would continue to enforce policies, programs and statutes to ensure preservation of the natural environment (e.g., topography/terrain, water bodies, habitat areas.)

King County officials report that the proposed Flood Control Zone District, in its entirety, is consistent with relevant Boundary Review Board Objectives (RCW 36.93.170/180). In brief, for example:

1. *Preservation of natural neighborhoods and communities*

The proposed countywide Flood Control Zone District will preserve natural neighborhoods and communities through provision of the coordinated planning, design, and implementation of area-wide (e.g., basin) flood control systems that are necessary to meet this objective.

2. *Use of physical boundaries*

The proposed countywide Flood Control Zone District proposal is based upon borders including jurisdictional boundaries, built boundaries (e.g., roadways), and natural boundaries (e.g., rivers and waters of Puget Sound.)

3. *Creation and preservation of logical service areas*

The proposed countywide Flood Control Zone District will address flood control and flood protection issues on a regional basis. A regional flood control zone district will comprise a logical service area for flood control planning and protection for the entire County.

4. *Prevention of abnormally irregular boundaries*

The proposed Flood Control Zone District boundaries reflect the governing statutory description of King County's boundaries (See RCW 36.04.170). Use of the King County boundary provides a regular boundary for the proposed Flood Control Zone District.

5. *Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;*

The proposed Flood Control Zone District achieves this objective through consolidation of 12 existing flood control zone districts that are located throughout the county. The County, by creating a consolidated District, can take actions that protect a greater portion of land within the boundaries of King County and, therefore, benefit a larger portion of King County's population.

6. Dissolution of inactive special purpose districts;

The creation of a Countywide Flood Control Zone District will satisfy this objective by virtue of a simultaneous action, pursuant to Chapter 86.15 RCW, to dissolve the 12 existing flood control zone districts. Eleven of these local districts are either inactive or lacking any current funding source.

7. Adjustment of Impractical Boundaries

The presently constituted local Flood Control Zone Districts are scattered throughout the County. Eleven of the 12 local Districts are either inactive or lacking funding to undertake flood control. As such the current flood control system is not based upon practical service boundaries.

The formation of a single Flood Control Zone District would serve and benefit the entirety of King County. The formation of a consolidated Flood Control Zone District would streamline service area boundaries and facilitate the maintenance of appropriate services to the communities within the area.

8. Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character;

This objective is not applicable.

9. Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.

Many of the prime agricultural lands in King County are in the fertile soils that were once in or are presently part flood plains near to rivers and their tributaries. The formation of a countywide Flood Control Zone District will allow additional efforts to be undertaken to provide needed protection to such prime agricultural lands.

Under Chapter 86.15 RCW, a flood control zone district is a quasi-municipal corporation and an independent taxing authority under the state Constitution. The formation of a countywide district will include all cities and towns within King County.

In accord with RCW 86.15, the King County Flood Control Zone District would be governed by a board of supervisors (including King County Council members serving as ex officio representatives to the District).

Flood control zone districts are authorized to utilize a variety of funding mechanisms, including special assessments on property, service charges, ad valorem taxes, and excess ad valorem taxes. The Proposed King County 2006 Flood Hazard Management Plan ("Plan") identifies \$179 million - \$335 million as the necessary sum to achieve infrastructure maintenance requirements (over a 10 year period) in order to provide adequate flood protection to the citizens of King County.

King County officials report that it would be premature to identify the specific level of funding that a countywide Flood Control Zone District would generate over the 10 year planning period. However, reliance on current funding sources over that same period would produce approximately \$54 million. A countywide Flood Control Zone District is anticipated to permit better planning – and provide access to greater resources – for achievement of vital flood control programs for the residents of King County.

In conclusion, King County officials report that the proposed Flood Control Zone District will result in a viable and logical corporate boundary that is congruent with the natural environment (e.g., open spaces, geological terrain, fauna, flora), and with the built communities (e.g., homes, businesses, employment centers, public facilities). The Flood Control Zone District will support jurisdictions – and citizens -- throughout King County.