



MEMORANDUM

To: Daryl Grigsby, Public Works Director

From: Jenny Gaus, Environmental Services Supervisor
Rob Jammerman, Development and Environmental Services Manager

Date: October 13, 2008

Subject: Proposed use of King County Flood Control Zone District Opportunity funds

The King County Flood Control Zone District (KCFCZD) was created in 2008 with the purpose of addressing major-river flooding problems that impact the regional economy. In establishing the KCFCZD, the Board of Supervisors set aside 1 cent of the 10 cents per \$1000 of assessed value levied for a subregional opportunity fund to address local flooding problems unrelated to large rivers.

The KCFCZD Board of Supervisors has voted that money in the subregional opportunity fund be allocated proportionally to each jurisdiction from which funds were collected. For Kirkland, the amount of funding from the sub-regional opportunity fund using this distribution method will be approximately \$102,000 per year (there is currently \$200,473 that would be allocated to Kirkland as of January 1, 2009). Approximately \$53,000 per year will be allocated to the Kirkland PAA that includes Juanita, Kingsgate and Finn Hill areas (there is currently \$106,000 that would be allocated to King County as of January 1, 2009). The actual amount available will vary slightly based on assessed property value in the area, and on actual payments received. The levy will be collected for 10 years, and can be renewed. The amount of the levy can be adjusted downward, but cannot be adjusted upwards without voter approval.

The Board of Supervisors further voted that money in the subregional opportunity fund be used for flood control, stormwater, and cooperative watershed management actions, as long as such actions are performed under a comprehensive plan (i.e. according to guidelines contained in RCW 86.15). The Board did however restrict use of funds for salmon habitat by stating that "expenditures under RCW 86.15.035 and RCW 39.34.190 for salmonid habitat protection shall be linked to the construction of a flood or stormwater project."

Projects that were identified as potential candidates for funding using KCFCZD dollars were noted in the Council reading file item on this subject dated September 18th, 2008. These projects are listed in that following table, with notations as to whether they would be eligible for funding under the narrowed guidelines adopted by the Board of Supervisors.

Table 1
Potential Projects for use of
Kirkland’s King County Flood Control Zone District Sub-Regional Opportunity Funds

Project Number	Project Name	CIP No.	Estimated Project Cost	Eligible for KCFCZD Funding?*
1	Totem Lake Boulevard Flood Control	SD-0059	\$1,136,200	Yes
2	Juanita Creek Flood Storage and Bank Stabilization	SD-0070	\$50,000 (for initial study)	Yes
3	Regional Detention in the Forbes Creek Watershed	SD-0046	\$2,810,200	Yes
4	Acquisition of flood-prone lands	N/A	Varies depending on property to be purchased	Unknown/No
5	WRIA 8 Partnerships and Projects	N/A	Unknown	If there is a <u>direct</u> connection to a flooding or stormwater project
6	Fecal coliform source tracking in the Juanita Watershed	N/A	–	No
7	Stormwater quality monitoring	N/A	–	No
8	Sewer infiltration and inflow control	SS-0075	\$1,000,000	Unknown

* eligibility is estimated – King County will be issuing eligibility criteria in the near future

The following are detailed descriptions of the projects in the table above:

1. Totem Lake Boulevard Flood Control: This is one of the most visible flooding problems in the City. The flood-control project is currently stalled because an engineering solution has proved elusive. The area is extremely flat between Totem Lake and 116th Ave NE, and there is currently standing water in the system that reduces capacity. Raising the roadway is an alternative, but this would require floodplain mitigation and would be extremely expensive. Project is currently on the unfunded portion of the Surface Water CIP.
2. Juanita Creek Flood Storage and Bank Stabilization/Habitat Improvement Program: Partner with property owners on Juanita Creek to construct projects to provide flood relief and habitat improvement while protecting structures. Further details of this proposed program would be presented to Council for consideration. First-year efforts would need to include study to identify opportunities for increasing flood storage and habitat quality along the creek, work with property owners to determine the type of partnership that would be most beneficial to both parties, and development of criteria for prioritizing projects. This program would build on the “private streambank stabilization” fund that is currently part

of the surface water utility CIP, in that it would identify opportunities for improvement of habitat and water quality in addition to fixing acute maintenance problems.

3. Regional Detention in the Forbes Creek watershed: This project would reduce erosion and improve habitat in the Forbes Creek watershed by detaining stormwater in a pond or other type of facility. Most of the Forbes watershed was developed before stormwater controls were required, and existing high flows are continually damaging aquatic habitat. Regional detention may be required as part of a WSDOT solution to flooding in the NE 116th/I-405 interchange, and WSDOT has indicated that they may be looking to Kirkland for partnership on such an effort. Project is currently on the unfunded portion of the Surface Water CIP.
4. Acquisition of flood-prone lands or wetlands that would otherwise be subject to reasonable use provisions: Develop criteria and acquire properties that store floodwaters and prevent or reduce drainage and flooding problems. The KCFCZD requires that they hold title to properties acquired using KCFCZD funds. King County has not yet issued criteria for when property may be purchased using KCFCZD funds.
5. WRIA 8 partnerships and projects: look for opportunities to partner with other WRIA 8 jurisdictions to make progress toward recovery and delisting of Chinook salmon under the Endangered Species Act by constructing projects. Projects would need to have a direct connection to a stormwater or flooding project in order to receive funding under KCFCZD.
6. Fecal coliform tracing and source control: Continue to trace and eliminate sources of fecal coliform bacteria in Juanita Creek through sewer smoke/dye testing field investigations, and other measures, in order to meet State Water Quality Standards. This work would build on an intensive sampling project conducted in summer of 2008 via a grant from Ecology. King County is recommending that subregional opportunity funds collected in Kirkland's potential annexation area be directed toward this effort. Although not directly related to flooding, this work would support water quality improvement that is a recommended action in the WRIA 8 Chinook Salmon Conservation Plan and thus would be eligible for funding.
7. Stormwater quality monitoring: The City is not currently required to conduct water quality monitoring, but may be required to do so in the next cycle of the NPDES Municipal Stormwater permit. Such monitoring could be funded using KCFCZD money as it would provide data and may answer research questions in support of the WRIA 8 plan.
8. Sewer infiltration and inflow control to prevent stormwater overflows – recent work in the downtown area has shown that there are many instances where stormwater is being directed into the sewer system, overloading treatment plants and causing sewer overflows into Lake Washington. These funds could potentially be used to separate storm flows from the sanitary sewer system. Some would argue that this should be a wastewater funded project, and that other sources of funding may be available, but this is a water quality concern and thus could potentially be put forward for consideration. This project is currently on the unfunded portion of the Water/Wastewater CIP, and would need to be moved to the Surface Water CIP in order to be eligible for funding.

Discussion:

Surface Water CIP and KCFCZD:

The Surface Water Utility CIP is proposed to be placed on hold for 2 years. Projects 2, 3, 4 and 5 could move forward despite this hold, in that they require study and feasibility work before project design could start. Surface water staff could assist with this study/feasibility work, and then the projects could be moved to the funded portion of the Surface Water Utility CIP for design and construction.

The mechanics of KCFCZD funding:

The KCFCZD will review and approve specific projects to be conducted using money from the subregional opportunity fund. A process for this will be finalized in the near future. Once the Board approves a project, an interlocal agreement will be developed for transfer and use of the KCFCZD funds.

Kirkland's allocation of money in the subregional opportunity would be held by the KCFCZD until a specific project proposal is submitted. It is possible to build up money in this fund over several years in order to undertake a large project. There is no deadline for use of funds.

Next Steps:

King County staff are currently developing project funding criteria and a project review and approval process. Once this process is complete, Kirkland will have the option of submitting projects for KCFCZD consideration as part of King County's budget process in November/December of this year.

Recommendation:

Staff recommends that KCFCZD funds be applied in the following manner (pending King County approval of projects), based on the availability of staff and immediacy of need.

Table 2
Recommended 2009 Projects for use of KCFCZD Sub-Regional Opportunity Funds

KCFCZD Request	Project	Timeframe
\$100,000	Regional Detention in Forbes Creek	Feasibility/siting study in 2009
\$50,000	Juanita Creek Flood Storage and Bank Stabilization	Study in 2009 to develop project list for 2010
Remainder	Projects to be recommended as part of 2010 allocation process	

For further information or questions, contact Jenny Gaus, Environmental Services Supervisor, at (425) 587-3850 or jgaus@ci.kirkland.wa.us .