

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2008 - 380

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:		10/21/2008		10/21/2008	Introduction
Division Head:				11/12/2008	NR/Council
Dept. Head:	<i>W. Brown Davis</i>	<i>10-21-08</i>			
Prosecutor:	<i>KAF</i>	<i>10/29/08</i>			
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Resolution providing framework for Flood Control Construction Cost-Share Program

ATTACHMENTS:

SEPA review required? () Yes () NO Should Clerk schedule a hearing? () Yes () NO
 SEPA review completed? () Yes () NO Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Resolution providing a framework for Flood Control Construction Cost-Share Program

COMMITTEE ACTION:

11/12/2008: Forwarded to Council for approval

COUNCIL ACTION:

10/21/2008: Introduced
 11/12/2008: Council Approved 6-1, Crawford opposed Res. 2008-079

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Res. 2008-079

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

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4 **PROPOSED BY:** Consent
5 **SPONSORED BY:** Consent
6 **INTRODUCED:** October 21, 2008

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8 **RESOLUTION NO. 2008-079**

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10 (A resolution of the Whatcom County Flood Control
11 Zone District Board of Supervisors)

12 **PROVIDING A FRAMEWORK FOR THE FLOOD CONTROL**
13 **CONSTRUCTION COST-SHARE PROGRAM**

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16 **WHEREAS,** Whatcom County Code Chapter 17.20 relates to the Flood Control
17 Maintenance Program, and the details of that program are more properly addressed by the
18 Flood Control Zone District (FCZD) Board of Supervisors in its code; and

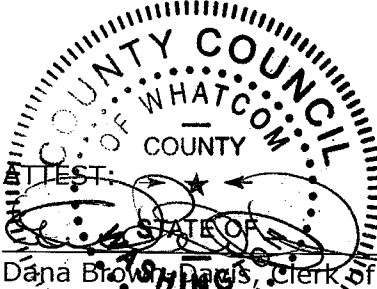
19
20 **WHEREAS,** the implementation of the program requires code revisions to more
21 closely align the priorities and screening criteria for projects with the priorities of the FCZD
22 Board of Supervisors and the Advisory Committee; and

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24 **WHEREAS,** program needs frequently exceed the available budget, sometimes to
25 the detriment of long-term flood hazard reduction projects, and

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27 **WHEREAS,** the FCZD Advisory Committee has recommended increasing the cost
28 share contribution required of local sponsors and property owners requesting funds for
29 projects from 20% to 30% of the total project costs;

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31 **NOW THEREFORE BE IT RESOLVED** that the flood control construction cost share
32 program shall be governed by the rules and procedures as outlined in Exhibit A to this
33 Resolution.

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35 **APPROVED** this 12th day of November, 2008.


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ATTEST:
Dana Brown Davis, Clerk of the Council

WHATCOM COUNTY
FLOOD CONTROL ZONE DISTRICT BOARD
OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON


Carl Weimer, Chair

APPROVED AS TO FORM:


Civil Deputy Prosecutor

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8 **EXHIBIT A**

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10 **(RESOLUTION PROVIDING FRAMEWORK FOR THE**
11 **FLOOD CONTROL CONSTRUCTION COST SHARE PROGRAM)**

12 **Chapter 100.05**

13 **FLOOD CONTROL CONSTRUCTION COST SHARE PROGRAM**

14 **100.05.010 Program Purpose.** This chapter provides a framework for the District's
15 participation in developing and constructing flood control facility repair and maintenance
16 projects and flood hazard reduction projects, prioritization of projects to be considered for
17 construction and a cost share program to assist in implementing projects proposed by
18 property owners and other local sponsors.

19 **100.05.020 Definitions.** For purposes of this chapter:

- 20 1. "Flood control facility repair and maintenance projects" means repair of an
21 existing flood control structure to a condition generally the same as the condition
22 it was in prior to being damaged. Repair projects are intended to maintain the
23 same level of protection as existed prior to the damage. Modifications from the
24 original condition to incorporate improved construction techniques or mitigation
25 can be included in flood control repair projects. Construction of a new revetment
26 or levee where no structure existed previously is not considered a repair.
27 2. "Flood hazard reduction project" means a project that is intended to reduce the
28 risk from a hazard when compared to the existing condition, without any damage
29 having occurred. Typically flood hazard reduction projects result from a
30 comprehensive flood planning effort and consist of construction of a new facility
31 or structure or improvement to an existing flood control structure. If an existing
32 structure is currently damaged, a project to repair and improve the structure
33 would be considered a flood hazard reduction project. Flood hazard reduction
34 projects also include non-structural projects such as flood proofing and buyouts.
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36 **100.05.030 District Participation**

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38 The District may participate in the financing, labor, construction and/or supplying of
39 materials for flood control facility repair and maintenance and flood hazard reduction
40 projects authorized under RCW Chapter 86.15 on sites within Whatcom County. Authorized
41 projects are subject to fiscal constraints and guidelines established herein for the
42 prioritization of projects.
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45 For flood control repair and maintenance projects, property owners or local sponsors shall
46 pay at least 30 per cent of the total cost of the project, including the cost of design and
47 permitting, unless the Board of Supervisors approves a different formula after considering
48 the recommendation, if any, of the Whatcom County Flood Control Zone District Advisory
49 Committee, for financial participation in a particular project.
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51 Financial participation of the District in flood hazard reduction projects shall be determined
52 by the Board of Supervisors on a case-by-case basis.
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2 **100.05.040 Guidelines for prioritization of projects.**

3 All flood control repair and maintenance and flood hazard reduction projects shall be
4 prioritized based on an analysis and review of the following factors:
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- 6 A. What is at risk of damage due to flooding and/or erosion and what are the potential
7 consequences if no action is taken? Risks are generally prioritized in the following
8 order:
9 a. Threats to public safety
10 b. Damage to public infrastructure
11 c. Impacts on the regional economy
12 d. Damage to private structures
13 B. The nature and severity of the potential consequence resulting from the hazard
14 C. The scale of the problem and the extent of area that will be affected by the hazard
15 D. Urgency, where urgency is a measure of how quickly an action needs to be taken to
16 prevent a risk from growing more severe.

17 Other considerations that may affect the priority of projects to be implemented include the
18 potential for outside funding and/or partnership opportunities, consistency with approved
19 plans, and the potential to reduce long-term maintenance needs. Projects that are not
20 consistent with a plan resulting from a comprehensive flood planning effort conducted by
21 the District or the County will not be considered for funding by the District unless deemed
22 necessary to protect public safety or critical public infrastructure.
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24 **100.05.050 Project advisory subcommittee.**

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26 The flood control zone district advisory committee shall select a subcommittee of not less
27 than 5 members, which will, with County staff, review all applications for repair,
28 maintenance and flood hazard reduction projects and submit recommendations on project
29 priorities to the Advisory Committee who will make a recommendation to the Board of
30 Supervisors.
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32 **100.05.060 Project agreement.**

33 Before any project proposed by a property owner or local sponsor is undertaken, except in
34 case of an emergency declared by the Whatcom County Executive, an agreement shall be
35 made and entered into by and between the District and the local sponsor(s) setting forth
36 the nature and scope of the respective parties' participation. All payments specified in said
37 agreement shall be due and payable in accordance with the method of payment described in
38 said agreement. When the cost of said project is less than the estimated amount agreed to,
39 the pro rata share paid by the local sponsor shall be reduced and refunded, if applicable,
40 following completion of the work. In the event the project's cost exceeds the estimate
41 agreed to, the district will notify the local sponsor as the actual costs become known. The
42 pro rata share of the difference shall be paid by the local sponsor upon completion of said
43 work. In the event that payment is not made upon completion of said work, interest on the
44 delinquent amount shall accrue at the same rate as specified by state law for delinquent
45 property taxes, as allowed by law. For projects proposed by a property owner, the amount
46 of such delinquency plus interest shall be a lien upon the property from the time of
47 completion until the total indebtedness is paid. Said lien shall be enforced by the district in
48 the manner prescribed by law for the foreclosure of mortgages and/or through an action of
49 debt against the owners and/or in such other manner as the law may provide. For projects
50 proposed by a local sponsor without an ownership interest in the property, any delinquency
51 on a project cost share payment will disqualify the local sponsor from future cost share

1 projects for a period equal to the duration of the delinquency following full payment of the
2 delinquency plus interest.