

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON**

**RESOLUTION**

**NO. 2012-081**

**TO ESTABLISH A COUNTY-WIDE FLOOD CONTROL ZONE DISTRICT FOR KITTITAS  
COUNTY IN ACCORDANCE WITH THE TERMS, CONDITIONS, AND REQUIREMENTS OF  
CHAPTER 86.15 RCW**

**WHEREAS:** on the 18th day of January, 2012, in a regular session, the Board of County Commissioners (the "Board") unanimously passed Resolution No. 2012-001 initiating the creation of a proposed county-wide Flood Control Zone District in accordance with RCW 86.15.010, et seq., and amendments, changes and alterations and additions thereto; and

**WHEREAS:** notice of public hearing of the intent of the Board of County Commissioners to establish a Kittitas County Flood Control Zone District was given, made and published as provided by law and such hearings on the establishment of said Flood Control Zone District were held on June 20, 2012 in Ellensburg, and on June 27, 2012 in Cle Elum; and

**WHEREAS:** the Board of County Commissioners finds that there is a public necessity for the establishment of the Kittitas County Flood Control Zone District and that it is in the best interest of the County and for the general public health, safety, benefit, welfare and economic development and use.

**NOW, THEREFORE IT BE RESOLVED** that the Board of County Commissioners establishes a county-wide flood control zone district which shall be designated Kittitas County Flood Control Zone District, which shall have all the powers, authorities, and duties provided in RCW 86.15, et seq., and any and all amendments, changes or alterations thereto or laws pertaining to such, and including provisions as herein provided.

**BE IT FURTHER RESOLVED** that the boundaries of said district are hereby established and declared to be as described in RCW 36.04.190, to wit:

- Commencing at a point where the main channel of the Columbia river crosses the township line between township fourteen and fifteen north, range twenty-three east of the Willamette Meridian, and running thence west on said township line to the range line between ranges eighteen and nineteen east; thence north on said range line six miles, or to the township line between the townships fifteen and sixteen north; thence west on said township line to the range line between ranges seventeen and eighteen east; thence north to the township line between townships sixteen and seventeen north; thence west along said township line and a line prolonged due west to the Naches river; and thence northerly along the main channel of the Naches river to the summit of the Cascade mountains, or to the eastern boundary of King county; thence north along the eastern boundary of King county to the point where such boundary intersects the summit of the main divide between the waters flowing northerly and easterly into the Wenatchee and Columbia rivers and the water flowing southerly and westerly into the Yakima river; thence in a general

southeasterly direction along the summit of such main divide between the waters flowing northerly and easterly into the Wenatchee and Columbia rivers and the waters flowing southerly and westerly into the Yakima river, following the course of the center of the summit of the watershed dividing such respective waters, to the fifth standard parallel north; thence east along the fifth standard parallel north to the middle of the main channel of the Columbia river; thence down the main channel of the Columbia to the place of beginning.

**BE IT FURTHER RESOLVED** that the area described herein as such zone boundaries incorporate any and all watersheds located in said described boundaries.

**BE IT FURTHER RESOLVED** that the governing body shall be the Board of County Commissioners as Kittitas County Flood Control Zone District Supervisors and the administration of affairs of the zone district shall be under the office of the Kittitas County Engineer. They shall have all the powers granted by law.

DATED this 17<sup>th</sup> day of July, 2012, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS  
KITITAS COUNTY, WASHINGTON



[Signature]  
Clerk of the Board

[Signature]  
Alan Crankovich, Chair

[Signature]  
Obie O'Brien, Vice-Chair

[Signature]  
Paul Jewell, Commissioner

## **LEGAL CONSIDERATIONS OF FCZD FORMATION AND OPERATION**

### **Flood Control Zone District – RCW 86.15**

#### **Creation: 86.15.020**

BOCC may initiate by resolution OR by petition of 25% of electors in last general election.

#### **Subzones authorized: 86.15.025**

BOCC may form countywide zone incorporating all watersheds not already in a flood zone. Subzones authorized.

#### **Governing Body: 86.15.050**

Board of County Commissioners.

#### **Administered by: 86.15.060**

County Engineer

#### **Advisory Committee: 86.15.070**

Board may appoint advisory committee up to 15 members.

#### **Quasi Municipal Corporation: 86.15.095**

A flood control zone district is a quasi-municipal corporation, an independent taxing “authority” and a “taxing district” within the meaning of the state constitution. Can hire employees, staff, and services, enter into contracts and sue and be sued.

#### **Public Hearings: 86.15.120**

Before undertaking any flood control improvement or storm water control improvement a public hearing must be held.

#### **Budget: 86.15.140**

Must set budgets for overhead and administration; maintenance and operation; construction and improvements; bond retirement and interest. Budget and any supplemental budget shall only be approved after a public hearing.

#### **Powers: 86.15.080**

Exercise all powers vested in county for flood and storm water control;

Plan, construct, acquire, repair, maintain and operate all necessary equipment, facilities, improvements, and works to control, conserve, and remove flood and storm waters;

Control, conserve, retain, reclaim, and remove flood waters and storm waters including waters of lakes and ponds within district;

Acquire necessary property, property rights, facilities, and equipment necessary to the purposes of the zone by purchase, gift or condemnation provided property of municipal corporations cannot be acquired without consent of such municipal corporations;

Sue and be sued in name of zone.

Acquire or reclaim lands when incidental to purposes of the zone and dispose of such lands as surplus;

Cooperate with or join with State, United States, any agency, corporation or individual for purposes of this chapter;

Accept funds or property by loan, grant, gift, or otherwise from the United States, State of Washington, or any other public or private source;

Remove debris, logs or other material which may impede the orderly flow of waters in streams or water courses.

**General Obligation Bonds: 86.15.170**

BOCC may authorize issuance of general obligation bonds to finance any flood control improvements only when the voters of the flood control zone district approve a ballot proposition authorizing both the bond issuance and imposition of the excess bond retirement levies pursuant to the Washington Constitution.

**Excess Levies, assessments, regular levies and charges – Local improvement districts:**

**86.15.160**

BOCC may authorize:

Annual excess ad valorem tax levy within any zone with approval of voters.

Assessment upon property special benefited by flood control or storm water improvements.

A charge for furnishing of service to those receiving or will receive benefits from storm water control facilities and who are contributing to an increase in surface water runoff.

Create “LID’s” and “ULID’s”.

**Service Charges Authorized: 86.15.176**

BOCC can fix rates and charges for the furnishing or service to those served or receiving benefits from a flood control improvement. Service charge shall be uniform for the same class of benefits or service. BOCC at its discretion consider the character and use of land and its water runoff characteristics and any other matters that present a reasonable difference as a ground for distinction.