



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 1, 2008

Ordinance 16172

Proposed No. 2008-0270.2

Sponsors Lambert, Phillips and Patterson

1 AN ORDINANCE relating to agriculture, adding a
2 definition for "farm pad," amending the definition of
3 compensatory storage, allowing greater range of flexibility
4 in providing compensatory storage, allowing farm pads and
5 nonresidential agricultural accessory buildings in the
6 Federal Emergency Management Agency floodway,
7 providing the option for wet flood-proofing of some
8 agricultural buildings, providing limited agricultural
9 exceptions to the depth and velocity standards, establishing
10 a compensatory storage bank; amending Ordinance 10870,
11 Section 85, and K.C.C. 21A.06.225, Ordinance 10870,
12 Section 454, as amended, and K.C.C. 21A.24.070,
13 Ordinance 10870, Section 471, as amended, and K.C.C.
14 21A.24.240, Ordinance 10870, Section 473, as amended,
15 and K.C.C. 21A.24.260, Ordinance 3688, Section 404 and
16 K.C.C. 25.16.040 and Ordinance 3688, Section 414, as

17 amended and K.C.C. 25.16.190 and adding a new section to
18 K.C.C. chapter 21A.06.

19
20 STATEMENT OF FACTS:

- 21 1. Motion 12559, passed on July 30, 2007, directed the King County
22 executive to convene a task force to undertake the review of measures
23 intended to encourage viability of agriculture within the Snoqualmie
24 valley agricultural production district. The focus of the task force was to
25 identify programmatic or regulatory changes to floodplain regulations that
26 will benefit agriculture while simultaneously maintaining strong
27 floodplain management standards to assure no adverse impact to upstream
28 and downstream property owners from flooding or impact salmon habitat.
- 29 2. The task force included representatives from the agricultural
30 community, including the Hmong farmers, the King Conservation District,
31 the King County agricultural commission and staff from the King County
32 departments of development and environmental services and natural
33 resources and parks.
- 34 3. The task force met for approximately three months and made sixteen
35 recommendations, including changes to county code that will provide
36 more regulatory flexibility to area farmers while maintaining strong
37 floodplain management standards.
- 38 4. The King County executive transmitted the task force report to the
39 King County council on February 1, 2008.

40 5. This ordinance represents the code amendments recommended in the
41 Snoqualmie Flood-Farm Task Force Report, which will apply within all of
42 King County's agricultural production districts.

43 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

44 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 21A.06 a
45 new section to read as follows:

46 Farm pad: an artificially created mound of earth or an elevated platform placed
47 within a flood hazard area and constructed to an elevation that is above the base flood
48 elevation to provide an area of refuge for livestock or small animals, and for storage of
49 farm vehicles, agricultural equipment((s)) and shelter for farm products including, but not
50 limited to, feed, seeds, flower bulbs and hay.

51 SECTION 2. Ordinance 10870, Section 85, and K.C.C. 21A.06.225 are each
52 hereby amended to read as follows:

53 Compensatory storage: new, excavated storage volume equivalent to any flood
54 storage ((which)) that is eliminated by building filling or grading within the ((flood
55 plain)) floodplain. ((For the purpose of this definition, equivalent flood storage capacity
56 is that which is replaced by equal volume between corresponding one foot contour
57 intervals which are hydraulically connected to the floodway through their entire depth.))

58 SECTION 3. Ordinance 10870, Section 454, as amended and K.C.C. 21A.24.070
59 are each hereby amended to read as follows:

60 A. The director may approve alterations to critical areas, critical area buffers and
61 critical area setbacks not otherwise allowed by this chapter as follows:

62 1. For linear alterations, the director may approve alterations to critical areas,
63 critical area buffers and critical area setbacks only when all of the following criteria are
64 met:

65 a. there is no feasible alternative to the development proposal with less adverse
66 impact on the critical area;

67 b. the proposal minimizes the adverse impact on critical areas to the maximum
68 extent practical;

69 c. the approval does not require the modification of a critical area development
70 standard established by this chapter;

71 d. the development proposal does not pose an unreasonable threat to the public
72 health, safety or welfare on or off the development proposal site and is consistent with the
73 general purposes of this chapter and the public interest;

74 e. the linear alteration:

75 (1) connects to or is an alteration to a public roadway, public trail, a utility
76 corridor or utility facility or other public infrastructure owned or operated by a public
77 utility; or

78 (2) is required to overcome limitations due to gravity; and

79 2. For nonlinear alterations the director may approve alterations to critical areas
80 except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic
81 areas and wildlife habitat conservation areas, and alterations to critical area buffers and
82 critical area setbacks, when all of the following criteria are met:

83 a. there is no feasible alternative to the development proposal with less adverse
84 impact on the critical area;

85 b. the alteration is the minimum necessary to accommodate the development
86 proposal;

87 c. the approval does not require the modification of a critical area development
88 standard established by this chapter, except as set forth in subsection A.2.i. of this section;

89 d. the development proposal does not pose an unreasonable threat to the public
90 health, safety or welfare on or off the development proposal site and is consistent with the
91 general purposes of this chapter and the public interest;

92 e. for dwelling units, no more than three thousand square feet or ten percent of
93 the site, whichever is greater, may be disturbed by structures or other land alteration
94 including grading, utility installations and landscaping but not including the area used for
95 an on-site sewage disposal system;

96 f. to the maximum extent possible, access is located to have the least adverse
97 impact on the critical area and critical area buffer;

98 g. the critical area is not used as a salmonid spawning area; ~~((and))~~

99 h. the director may approve an alteration in a category II, III and IV wetland for
100 development of a public school facility; and

101 i. the director may approve an alteration to the elevation or dry flood proofing
102 standards in K.C.C. 21A.24.240.F.1. or 21A.24.240F.2. for nonresidential agricultural
103 accessory buildings that equal or exceed a maximum assessed value of sixty-five thousand
104 dollars if the development proposal meets the criteria in subsection A.2. of this section and
105 the standards in K.C.C. 21A.24.240F.4. through 21A.24.240.G.

106 B. The director may approve alterations to critical areas, critical area buffers and
107 critical area setbacks if the application of this chapter would deny all reasonable use of the

108 property. The applicant may apply for a reasonable use exception pursuant to this
109 subsection without first having applied for an alteration exception under this section if the
110 requested reasonable use exception includes relief from development standards for which
111 an alteration exception cannot be granted pursuant to the provisions of this section. The
112 director shall determine that all of the following criteria are met:

113 ~~((a.))~~ 1. ~~((†))~~ There is no other reasonable use with less adverse impact on the
114 critical area;

115 ~~((b.))~~ 2. ~~((†))~~ The development proposal does not pose an unreasonable threat to
116 the public health, safety or welfare on or off the development proposal site and is consistent
117 with the general purposes of this chapter and the public interest;

118 ~~((c.))~~ 3. ~~((a))~~ Any authorized alteration to the critical area or critical area buffer is
119 the minimum necessary to allow for reasonable use of the property; and

120 ~~((d.))~~ 4. ~~((†))~~ For dwelling units, no more than three thousand square feet or ten
121 percent of the site, whichever is greater, may be disturbed by structures or other land
122 alteration, including grading, utility installations and landscaping but not including the area
123 used for an on-site sewage disposal system.

124 C. For the purpose of this section, "linear" alteration means infrastructure that
125 supports development that is linear in nature and includes public and private roadways,
126 public trails, private driveways, railroads, utility corridors and utility facilities.

127 D. Alteration exceptions approved under this section shall meet the mitigation
128 requirements of this chapter.

129 E. An applicant for an alteration exception shall submit a critical area report, as
130 required by K.C.C. 21A.24.110.

131 F. The hearing examiner shall provide to the clerk of the council a copy of the final
132 decision of an appeal of the department's decision under this section within thirty days after
133 the hearing examiner's decision. The clerk shall notify the council of the availability of the
134 decision.

135 SECTION 4. Ordinance 10870, Section 471, as amended, and K.C.C.
136 21A.24.240 are each hereby amended to read as follows:

137 The following development standards apply to development proposals and
138 alterations on sites within the zero-rise flood fringe:

139 A. Development proposals and alterations shall not reduce the effective base flood
140 storage volume of the floodplain. A development proposal shall provide ~~((eomensatory))~~
141 compensatory storage if grading or other activity displaces any effective flood storage
142 volume. Compensatory storage shall:

143 1. Provide equivalent volume at equivalent elevations to that being displaced. For
144 this purpose, equivalent elevations means having similar relationship to ordinary high
145 water and to the best available ten-year, fifty-year and one-hundred-year water surface
146 profiles;

147 2. Hydraulically connect to the source of flooding;

148 3. Provide compensatory storage in the same construction season as when the
149 displacement of flood storage volume occurs and before the flood season begins on
150 September 30 for that year; and

151 4. Occur on the site. The director may approve equivalent compensatory storage
152 off the site if legal arrangements, acceptable to the department, are made to assure that the
153 effective compensatory storage volume will be preserved over time. The director may

154 approve off site compensatory storage through a compensatory storage bank managed by
155 the department of natural resources and parks;

156 B. A structural engineer shall design and certify all elevated (~~(construction)~~)
157 buildings and (~~(submit)~~) submit the design to the department;

158 C. A civil engineer shall prepare a base flood depth and base flood velocity
159 analysis and submit the analysis to the department. A base flood depth and base flood
160 velocity analysis is not required for agricultural structures that will not be used for human
161 habitation. Development proposals and alterations are not allowed if the base flood depth
162 exceeds three feet (~~(or)~~) and the base flood velocity exceeds three feet per second, except
163 that the director may approve development proposals and alterations in areas where the
164 base flood depth exceeds three feet and the base flood velocity exceeds three feet per
165 second for the following projects:

166 1. Agricultural accessory structures;

167 2. Roads and bridges;

168 3. Utilities;

169 4. Surface water flow control or surface water conveyance systems;

170 5. Public park structures; and

171 6. Flood hazard mitigation projects, such as, but not limited to construction, repair
172 or replacement of flood protection facilities or for building elevations or relocations;

173 D. Subdivisions, short subdivisions, urban planned developments and binding site
174 plans shall meet the following requirements:

175 1. New building lots shall include five thousand square feet or more of buildable
176 land outside the zero-rise floodway;

177 2. All utilities and facilities such as sewer, gas, electrical and water systems are
178 consistent with subsections E., F. and I. of this section;

179 3. A civil engineer shall prepare detailed base flood elevations in accordance with
180 FEMA guidelines for all new lots;

181 4. A development proposal shall provide adequate drainage in accordance with
182 the King County Surface Water Design Manual to reduce exposure to flood damage; and

183 5. The face of the recorded subdivision, short subdivision, urban planned
184 development or binding site plan shall include the following for all lots:

185 a. building setback areas restricting structures to designated buildable areas:

186 b. base flood data and sources and flood hazard notes including, but not limited
187 to, base flood elevation, required flood protection elevations, the boundaries of the
188 floodplain and the zero-rise floodway, if determined, and channel migration zone
189 boundaries, if determined; and

190 c. include the following notice:

191 "Lots and structures located within flood hazard areas may be inaccessible by
192 emergency vehicles during flood events. Residents and property owners should take
193 appropriate advance precautions.";

194 E. New residential structures and substantial improvements of existing residential
195 structures shall meet the following standards:

196 1. Elevate the lowest floor, including basement, to the flood protection elevation;

197 2. Do not fully enclose portions of the structure that are below the lowest floor
198 area;

199 3. Design and construct the areas and rooms below the lowest floor to
200 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
201 allowing for the entry and exit of floodwaters as follows:

202 a. provide a minimum of two openings on each of two opposite side walls in the
203 direction of flow, with each of those walls having a total open area of not less than one
204 square inch for every square foot of enclosed area subject to flooding;

205 b. design and construct the bottom of all openings so they are no higher than one
206 foot above grade; and

207 c. screens, louvers or other coverings or devices are allowed over the opening if
208 they allow the unrestricted entry and exit of floodwaters;

209 4. Use materials and methods that are resistant to and minimize flood damage;
210 and

211 5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air
212 conditioning equipment and other utilities that service the structure, such as duct-work to
213 the flood protection elevation;

214 F. New nonresidential structures and substantial improvements of existing
215 nonresidential structures shall meet the following standards:

216 1. Elevate the lowest floor to the flood protection elevation; ((or))

217 2. Dry flood-proof the structure to the flood protection elevation to meet the
218 following standards:

219 a. the applicant shall provide certification by a civil or structural engineer that
220 the dry flood-proofing methods are adequate to withstand the flood-depths, pressures,
221 velocities, impacts, uplift forces and other factors associated with the base flood. After

222 construction, the engineer shall certify that the permitted work conforms to the approved
223 plans and specifications; and

224 b. approved building permits for dry flood-proofed nonresidential structures
225 shall contain a statement notifying applicants that flood insurance premiums are based
226 upon rates for structures that are one foot below the ~~((base flood elevation))~~ elevation to
227 which the building is dry-floodproofed;

228 3. Nonresidential agricultural accessory buildings that do not equal or exceed a
229 maximum assessed value of sixty-five thousand dollars may be designed and oriented to
230 allow the free passage of floodwaters through the building in a manner affording minimum
231 flood damage provided they meet the standards in subsection F.4. through F.6. of this
232 section. Nonresidential agricultural accessory buildings that equal or exceed sixty-five
233 thousand dollars may apply for an alteration exception pursuant to K.C.C. 21A.24.070.
234 Nonresidential agricultural accessory buildings that do not meet the elevation standard in
235 subsection F. 1. of this section or the dry flood-proofing standard in subsection F.2. of this
236 section will be assessed at the flood insurance rate based on the risk to which the building
237 is exposed;

238 4. Use materials and methods that are resistant to and minimize flood damage;
239 ((and))

240 ((4.)) 5. Design and construct the areas and rooms below the lowest floor to
241 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
242 allowing for the entry and exit of floodwaters as follows:

243 a. provide a minimum of two openings on each of two opposite side walls in the
244 direction of flow, with each of those walls having a total open area of not less than one
245 square inch for every square foot of enclosed area subject to flooding;

246 b. design the bottom of all openings is no higher than one foot above grade; and

247 c. screens, louvers or other coverings or devices are allowed if they do not
248 restrict entry and exit of floodwaters; and

249 ~~((5.))~~ 6. Dry flood proof all electrical, heating, ventilation, plumbing, air
250 conditioning equipment and other utility and service facilities to, or elevated above, the
251 flood protection elevation;

252 G. Anchor all new construction and substantially improved structures to prevent
253 flotation, collapse or lateral movement of the structure. The department shall approve the
254 method used to anchor the new construction;

255 H. Newly sited manufactured homes and substantial improvements of existing
256 manufactured homes shall meet the following standards:

257 1. Manufactured homes shall meet all the standards in this section for residential
258 structures and the following standards:

259 a. anchor all manufactured homes; and

260 b. install manufactured homes using methods and practices that minimize flood
261 damage; ~~((and))~~

262 2. All manufactured homes within a new mobile home park or expansion of an
263 existing mobile home park must meet the requirements for flood hazard protection for
264 residential structures; and

265 3. Only manufactured homes are allowed in a new or existing mobile home park
266 located in a flood hazard area;

267 I. Public and private utilities shall meet the following standards:

268 1. Dry flood-proof new and replacement utilities including, but not limited to,
269 sewage treatment and storage facilities, to, or elevate above, the flood protection elevation;

270 2. Locate new on-site sewage disposal systems outside the floodplain. When
271 there is insufficient ~~((soil-area or))~~ area outside the floodplain, new on-site sewage disposal
272 systems are allowed only in the zero-rise flood fringe. Locate on-site sewage ~~((disposal))~~
273 disposal systems in the zero-rise flood fringe to avoid:

274 a. impairment to the system during flooding;

275 b. contamination from the system during flooding; ~~((and))~~

276 3. Design all new and replacement water supply systems to minimize or eliminate
277 infiltration of floodwaters into the system;

278 4. Above-ground utility transmission lines, except for electric transmission lines,
279 are allowed only for the transport of nonhazardous substances; and

280 5. Bury underground utility transmission lines transporting hazardous substances
281 at a minimum depth of four feet below the maximum depth of scour for the base flood, as
282 predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential
283 for flotation or upward migration is eliminated;

284 J. Critical facilities are ~~((only))~~ allowed within the zero-rise flood fringe only when
285 a feasible alternative site is not available and the following standards are met:

286 1. Elevate the lowest floor to the five-hundred year floodplain elevation or three
287 or more feet above the base flood elevation, whichever is higher;

288 2. Dry flood-proof and seal structures to ensure that hazardous substances are not
289 displaced by or released into floodwaters; and

290 3. Elevate access routes to or above the base flood elevation from the critical
291 facility to the nearest maintained public street or roadway;

292 K. New construction or expansion of existing ~~((livestock flood sanctuaries))~~ farm
293 pads is ~~((only))~~ allowed only as follows:

294 1. A ~~((livestock flood sanctuary))~~ farm pad is ~~((only))~~ allowed only if there is no
295 other suitable holding area on the site outside the floodplain ~~((to which the livestock have~~
296 ~~access))~~;

297 2. Construct the ~~((livestock flood sanctuary))~~ farm pad to the standards in an
298 approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and
299 K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with the
300 following:

- 301 a. flood storage compensation consistent with subsection A. of this section;
- 302 b. siting and sizing that do not increase base flood elevations consistent with
303 K.C.C. 21A.24.250.B. ~~((and 21A.24.260.D))~~; and
- 304 c. siting that is located in the area least subject to risk from floodwaters; and

305 L. New construction or expansion of existing livestock manure storage facilities is
306 only allowed as follows:

307 1. The livestock manure storage facility is only allowed if there is not a feasible
308 alternative area on the site outside the floodplain;

309 2. Construct the livestock manure storage facility to the standards in an approved
310 farm management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C.

311 chapter 21A.30. The farm management plan shall demonstrate compliance with the
312 following:

- 313 a. flood storage compensation consistent with subsection A. of this section;
- 314 b. siting and sizing that do not increase base flood elevations consistent with
315 K.C.C. 21A.24.250.B. and 21A.24.260.D;
- 316 c. dry flood-proofing to the flood protection elevation; and
- 317 d. siting that is located in the area least subject to risk from floodwaters.

318 SECTION 5. Ordinance 10870, Section 473, as amended and K.C.C. 21A.24.260
319 are each hereby amended to read as follows:

320 A. The development standards that apply to the zero-rise floodway also apply to
321 the FEMA floodway. The more restrictive standards apply where there is a conflict((;)).

322 B. A development proposal shall not increase the base flood elevation. A civil
323 engineer shall certify, through hydrologic and hydraulic analyses performed in accordance
324 with standard engineering practice, that any proposed encroachment would not result in any
325 increase in flood levels during the occurrence of the base flood discharge((;)).

326 C. New residential or nonresidential structures are prohibited within the mapped
327 FEMA floodway, except for farm pads and nonresidential agricultural accessory buildings
328 within an agricultural production district that meet applicable compensatory storage and
329 conveyance standards. Until March 31, 2010, the size of a new nonresidential agriculture
330 accessory building is limited to a footprint of five thousand square feet. A residential
331 structure cannot be constructed on fill placed within the mapped FEMA floodway((;)).

332 D. ((Livestock flood sanctuaries and m))Manure storage facilities are prohibited in
333 the FEMA floodway((;)).

334 E. If the footprint of the existing residential structure is not increased, substantial
335 improvements of existing residential structures in the FEMA floodway, meeting the
336 requirements of WAC 173-158-070, as amended, are presumed to not increase the base
337 flood elevation and do not require a critical areas report to establish this fact((;)).

338 F. Maintenance, repair, replacement or improvement of an existing residential
339 structure located within the agricultural production district on property that is zoned
340 agriculture (A) is allowed in the FEMA floodway if the structure meets the standards for
341 residential structures and utilities in K.C.C. 21A.24.240 and also meets the following
342 requirements:

- 343 1. The existing residential structure was legally established;
- 344 2. The viability of the farm is dependent upon a residential structure within close
345 proximity to other agricultural structures; and
- 346 3. Replacing an existing residential structure within the FEMA floodway is only
347 allowed if:
 - 348 a. there is not sufficient buildable area on the site outside the FEMA floodway
349 for the replacement;
 - 350 b. the replacement residential structure is not located in an area that increases the
351 flood hazard in water depth, velocity or erosion;
 - 352 c. the building footprint of the existing residential structure is not increased; and
 - 353 d. the existing structure, including the foundation, is completely removed within
354 ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy,
355 whichever occurs first, for the replacement structure((;)).

356 G. Maintenance, repair or replacement of a substantially damaged existing
357 residential structure, other than a residential structure located within the agricultural
358 production district on property that is zoned agricultural (A), is allowed in the FEMA
359 floodway if the structure meets the standards for existing residential structures and utilities
360 in K.C.C. 21A.24.240 and also meets the following requirements:

361 1. The Washington state Department of Ecology has assessed the flood
362 characteristics of the site and determined:

- 363 a. base flood depths will not exceed three feet;
- 364 b. base flood velocities will not exceed three feet per second;
- 365 c. there is no evidence of flood-related erosion, as determined by location of the
366 project site in relationship to mapped channel migration zones or, if the site is not mapped,
367 evidence of overflow channels and bank erosion; and
- 368 d. a flood warning system or emergency plan is in operation;

369 2. The Washington state Department of Ecology has prepared a report of findings
370 and recommendations to the department that determines the repair or replacement will not
371 result in an increased risk of harm to life based on the characteristics of the site;

372 3. The department has reviewed the Washington state Department of Ecology
373 report and concurs that the development proposal is consistent with the findings and
374 recommendations in the report;

375 4. The development proposal is consistent with the findings and recommendations
376 of the Washington state Department of Ecology report;

377 5. The existing residential structure was legally established; and

378 6. Replacing an existing residential structure within the FEMA floodway is only
379 allowed if:

380 a. there is not sufficient buildable area on the site outside the FEMA floodway;

381 b. the replacement structure is a residential structure built as a substitute for a
382 previously existing residential structure of equivalent use and size; and

383 c. the existing residential structure, including the foundation, is removed within
384 ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy,
385 whichever occurs first, for the replacement structure(~~;~~ and).

386 H. Maintenance or repair of a structure, as defined in WAC 173-158-030, that is
387 identified as a historic resource, as defined in K.C.C. 21A.06.597, is allowed in the FEMA
388 floodway if the structure and utilities meet the standards of K.C.C. 21A.24.240 for
389 residential structures or nonresidential structures, as appropriate.

390 SECTION 6. Ordinance 3688, Section 404 and K.C.C. 25.16.040 are each hereby
391 amended to read as follows:

392 Agricultural practices may be permitted in the urban environment, subject to the
393 general requirements (~~((Section 25.16.030))~~) of this chapter, which are in K.C.C.
394 25.16.030, ((provided)) but only if:

395 A. The agricultural activity is permitted in the underlying zone classification;

396 B. ~~((Any barn, shed or other structure constructed in conjunction with the~~
397 ~~permitted agricultural activity shall not be constructed within the floodway;~~

398 C.) Agricultural activity along shorelines of the state shall conform to the best
399 management practices developed pursuant to the Federal Water Pollution Control Act of
400 1972 and adopted by the King County Soil Conservation District(~~(-)~~); and

401 ~~((D:))~~ C. Lagoons, ponds or other waste retention facilities shall ~~((be subject to the~~
402 ~~same standard as described in subsection B. above))~~ not be constructed within the
403 floodway.

404 SECTION 7. Ordinance 3688, Section 414, as amended and K.C.C. 25.16.190 are
405 each hereby amended to read as follows:

406 Excavation, dredging and filling may be permitted in the urban environment, only
407 as part of an approved overall development plan not as an independent activity
408 ~~((provided)),~~ but only in accordance with the following:

409 A. Any fill or excavation regardless of size, shall be subject to the provisions of
410 K.C.C. 16.82.100;

411 B. Landfill may be permitted below the ordinary high water mark only when
412 necessary for the operation of a water dependent or water related use, or when necessary to
413 mitigate conditions which endanger public safety;

414 C. Landfill or excavations shall be permitted only when technical information
415 demonstrates water circulation, littoral drift, aquatic life and water quality will not be
416 substantially impaired;

417 D. ~~((Landfill or disposal of dredged material shall be prohibited within the~~
418 ~~floodway;~~

419 E:)) Wetlands such as marshes, swamps((;)) and bogs shall not be disturbed or
420 altered through excavation, filling, dredging((;)) or disposal of dredged material unless the
421 manager determines that either:

422 1. The wetland does not serve any of the valuable functions of wetlands identified
423 in K.C.C. 20.12.080 and ~~((U.S.))~~ United States Army Corps of Engineers 33 CFR 320.4(b),
424 including, but not limited to, wildlife habitat and natural drainage functions~~((;))~~; or

425 2. The proposed development would preserve or enhance any or all of the wildlife
426 habitat, natural drainage~~((;))~~ and~~((/or))~~ other valuable functions of wetlands as discussed in
427 K.C.C. 20.12.080 or ~~((U.S.))~~ United States Army Corps of Engineers 33 CFR 320.4(b) and
428 would be consistent with the purposes of this Title;

429 ~~((F.))~~ E. Class I beaches shall not be covered by landfill except for approved beach
430 feeding programs;

431 ~~((G.))~~ F. Excavations on beaches shall include precautions to prevent the migration
432 of fine grain sediments, disturbed by the excavation, onto adjacent beach areas and
433 excavations on beaches shall be backfilled promptly using material of similar composition
434 and similar or more coarse grain size;

435 ~~((H.))~~ G. No refuse disposal sites, solid waste disposal sites~~((;))~~ or sanitary fills of
436 putrescible or ~~((non putrescible))~~ nonputrescible material shall be permitted within the
437 shorelines of the state;

438 ~~((I.))~~ H. Excavation or dredging below the ordinary high water mark shall be
439 permitted only:

440 1. When necessary for the operation of a water dependent or water related use~~((;~~
441 ~~or))~~);

442 2. When necessary to mitigate conditions which endanger public safety or
443 fisheries resources~~((;))~~; or

444 3. As part of and necessary to roadside or agricultural ditch maintenance that is
445 performed consistent with best management practices promulgated through administrative
446 rules pursuant to the sensitive areas provisions of K.C.C. chapter 21A.24 and if:

447 a. the maintenance does not involve any expansion of the ditch beyond its
448 previously excavated size. This limitation shall not restrict the county's ability to require
449 mitigation, pursuant to K.C.C. chapter 21A.24, or other applicable laws;

450 b. the ditch was not constructed or created in violation of law;

451 c. the maintenance is accomplished with the least amount of disturbance to the
452 stream or ditch as possible;

453 d. the maintenance occurs during the summer low flow period and is timed to
454 avoid disturbance to the stream or ditch during periods critical to salmonids; and

455 e. the maintenance complies with standards designed to protect salmonids and
456 salmonid habitat, consistent with K.C.C. chapter 21A.24; provided, that this paragraph
457 shall not be construed to permit the mining or quarrying of any substance below the
458 ordinary high water mark;

459 ~~((J.))~~ I. Disposal of dredged material shall be done only in approved deep water
460 disposal sites or approved contain upland disposal sites;

461 ~~((K.))~~ J. Stockpiling of dredged material in or under water is prohibited;

462 ~~((L.))~~ K. Maintenance dredging not requiring a shoreline permit(s) shall conform to
463 the requirements of this section;

464 ~~((M.))~~ L. Dredging shall be timed so that it does not interfere with aquatic life;

465 ~~((N.))~~ M. The county may impose reasonable conditions on dredging or disposal
466 operations including, but not limited to, working seasons and provisions of buffer strips,

467 including retention or replacement of existing vegetation, dikes((;)) and settling basins to
468 protect the public safety and shore users' lawful interests from unnecessary adverse impact;

469 ((O:)) N. In order to insure that operations involving dredged material disposal and
470 maintenance dredging are consistent with this program as required by RCW 90.58.140(1),
471 no dredging may commence on shorelines without the responsible person having first
472 obtained either a substantial development permit or a statement of exemption((;
473 ~~PROVIDED, that~~)), though no statement of exemption or shoreline permit is required for
474 emergency dredging needed to protect property from imminent damage by the elements;

475 ((P:)) O. Operation and maintenance of any existing system of ditches, canals((;))
476 or drains, or construction of irrigation reservoirs, for agricultural purposes are exempt
477 from the shoreline permit requirement.

478 SECTION 8. The water and land resources division shall provide quarterly
479 updates to the council relating to the number of applications for new nonresidential
480 agriculture accessory buildings permitted under K.C.C. 21A.24.260 within an agricultural
481 production district. Copies of the updates shall be transmitted to the clerk of the council
482 and the chair of the growth management and natural resources, or its successor,
483 commencing on October 31, 2008.

484 SECTION 9. A. The department of natural resources and parks and the King
485 County agriculture commission shall convene a planning process to address the future of
486 agriculture in the agricultural production districts ("APDs"). Participants in this planning
487 process should include representatives from the department of development and
488 environmental services, the King Conservation District and property owners representing
489 a diversity of interests in the APD.

490 B. By no later than January 1, 2010, the department and the agriculture
491 commission shall provide the council a report relating to the future of agriculture within
492 the APDs, as well as recommendations for legislation regarding the allowed size of
493 agricultural accessory buildings.

494

495 C. Copies of the report and recommendations shall be transmitted to the clerk of
496 the council and the chair of the growth management and natural resources, or its
497 successor.

498

Ordinance 16172 was introduced on 5/12/2008 and passed as amended by the
Metropolitan King County Council on 6/30/2008, by the following vote:

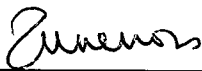
Yes: 9 - Ms. Patterson, Mr. Dunn, Mr. Constantine, Ms. Lambert, Mr. von
Reichbauer, Mr. Ferguson, Mr. Phillips, Mr. Gossett and Ms. Hague
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



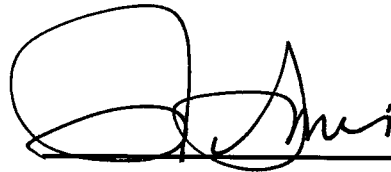
Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 11 day of July, 2008.



Ron Sims, County Executive

Attachments None

RECEIVED
2008 JUL 11 PM 12:23
CLERK
KING COUNTY COUNCIL