



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 27, 2008

Ordinance 16101

Proposed No. 2008-0269.2

Sponsors Lambert

1 AN ORDINANCE authorizing the completion of ten farm
2 pad alterations approved for the demonstration project
3 established in Ordinance 15883; and declaring an
4 emergency.
5

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

8 A. Ordinance 15883 established a demonstration project that allowed for the
9 emergency repair and reconfiguration of existing livestock flood sanctuaries or
10 converting existing livestock flood sanctuaries to farm flood pads within the Snoqualmie
11 Agricultural Production District, and established that all work including inspections must
12 be completed by December 31, 2007.

13 B. Using the process established by Ordinance 15883, the agriculture
14 commission identified thirteen proposals to take part in the demonstration project. Of
15 these, eleven projects followed through with the application for a shoreline exemption,
16 and received shoreline exemption letters. One of the shoreline exemptions letters was

17 rescinded after the landowner dropped out, leaving ten approved projects in the
18 demonstration project.

19 C. The thirteen projects identified by the agriculture commission were modeled
20 for compliance with floodplain management standards. The modeling showed that
21 neither the individual nor the cumulative effects of the thirteen proposed farm pad
22 alterations would result in a measurable rise in flood elevation, as defined in King County
23 Code.

24 D. The shoreline exemption letters for each of the remaining ten projects
25 specified the location of the farm pad alteration, the amount of fill that could be added,
26 and the conditions under which the farm pad could be constructed.

27 E. Pursuant to Ordinance 15883, each landowner in the demonstration project
28 signed a nonconversion agreement stating that the farm flood pad or livestock flood
29 sanctuary would not be converted to any other use. The nonconversion agreements were
30 recorded on the title with the King County records, elections and licensing services
31 division.

32 F. Six of the approved projects had been substantially completed by December
33 31, 2007. However, the final surfacing of the top of the pad, hydroseeding of the surface,
34 and final elevation reports were not completed for any of the six projects.

35 G. Due to rainy conditions, wet fields and the unavailability of fill material to
36 reconfigure the farm pads, four projects were unable to be constructed by December 31,
37 2007.

38 H. Motion 12559, which was approved by the council on July 30, 2007, directed
39 the King County executive to convene a task force to review and make recommendations

40 in regards to farm protection measures for the Snoqualmie Valley Agricultural
41 Production District. Ordinance 15883 directed the task force to evaluate the
42 demonstration project as part of their work.

43 I. The King County executive transmitted the task force report to the King
44 County council on February 1, 2008. Recommendation No. 8 in the report is to extend
45 the demonstration project for those projects that were unable to finish construction before
46 the December 31, 2007, deadline.

47 J. The task force report also includes an evaluation of each of the development
48 standards that were modified through Ordinance 15883, and recommendations for code
49 changes to put into effect a number of the alternative standards allowed in the
50 demonstration project.

51 K. A renewal of the demonstration project is necessary so that projects approved
52 in the demonstration project are able to be completed in advance of the adoption of
53 proposed code changes, and without additional analysis or fees.

54 L. The authorization to complete approved farm pads is consistent with the King
55 County Comprehensive Plan, which has designated the Snoqualmie valley as an
56 Agricultural Production District, and which states that maintaining the viability of
57 farmlands is a high priority for King County.

58 M. The demonstration project was adopted as an interim official control under
59 RCW 36.70A.390 and the effective period of the ordinance was six months from council
60 action. Ordinance 15883 expired on February 1, 2008.

61 N. The authorization to complete approved farm pads is adopted as an interim
62 official control under RCW 36.70A.390 and the effective period of the ordinance may not
63 exceed six months from council action.

64 O. Given the likelihood that future floods will increase in frequency and intensity
65 and in order to expedite and complete the repair, reconstruction and expansion activities
66 authorized by this demonstration project prior to the start of the next flood season in late
67 2008, a waiver of state and county public notice requirements is necessary and an
68 emergency action by the council is appropriate.

69 SECTION 2. As allowed under K.C.C. chapter 21A.55, the council hereby
70 authorizes completion of the Livestock Flood Sanctuaries and Farm Flood Pads
71 Demonstration Project, authorized by Ordinance 15883, which shall comply with the
72 following:

73 A. The purpose of the livestock flood sanctuaries and farm flood pads
74 demonstration project is:

75 1. To allow completion of projects approved under Ordinance 15883 through
76 modification to certain development standards and permit requirements to allow
77 emergency repair or reconfiguration of existing livestock flood sanctuaries before the
78 2008-2009 flood season;

79 2. To determine if innovative permit processing and limited modifications of
80 flood regulations will result in an impact on flood storage and conveyance within the
81 Snoqualmie river floodplain;

82 3. To identify information and data to assist in development of new or revised
83 methods of protecting agriculture from flooding; and

84 4. To research and possibly test alternative flood protection structures that
85 would not require the placement of additional fill in the floodplain, such as elevated or
86 floating structures.

87 B. The demonstration project shall be implemented within the Snoqualmie Valley
88 Agricultural Production District floodplain, including the Federal Emergency
89 Management Agency ("FEMA") floodway. The specific farms are those identified by the
90 King County agricultural commission for inclusion in this demonstration project under
91 Ordinance 15883. The boundaries of the demonstration project shall be as delineated for
92 the one-hundred-year floodplain on Attachment A to this ordinance.

93 C. The demonstration project shall be administered jointly by the water and land
94 resources division of the department of natural resources and parks, and the land use
95 services and building services divisions of the department of development and
96 environmental services. These departments are authorized to implement the development
97 standards of K.C.C. Titles 16 and Title 21A, as modified in subsection D. of this section.
98 The roles and responsibilities of each department are as follows:

99 1. Department of natural resources and parks shall:
100 a. coordinate with the King County agricultural commission and farmers; and
101 b. jointly review with the department of development and environmental
102 services the proposals for compliance with flood hazard regulations;

103 2. Department of development and environmental services shall:
104 a. jointly review with the department of natural resources and parks the
105 proposals for compliance with flood hazard and other applicable development
106 regulations; and

107 b. conduct site inspections to determine the proposal is in conformance with
108 the agreed design; and

109 3. The department of development and environmental services shall make the
110 final decision to approve or deny the proposals based on the criteria in subsection F of
111 this section. The department of development and environmental services will consult
112 with the department of natural resources and parks prior to making this decision.

113 D. For the purposes of this demonstration project, the following development
114 standards are modified as set forth in this subsection and shall be implemented by the
115 water and land resources division of the department of natural resources and parks, and
116 the land use services and building services divisions of the department of development
117 and environmental services:

118 1. The demonstration project shall not reduce the effective base flood storage
119 volume of the floodplain, however K.C.C. 21A.24.240.A. is modified as follows:

120 a. compensatory storage may be provided at different elevations to that being
121 displaced if there is no feasible location on site or in the vicinity at the same elevation;
122 and

123 b. compensatory storage does not need to be hydraulically connected to the
124 source of flooding if that cannot be achieved on site or in the immediate vicinity;

125 2. K.C.C. 21A.24.240.C. is modified to allow the repair and reconfiguration of
126 existing livestock flood sanctuaries in portions of the floodplain where the base flood
127 depth exceeds three feet or the base flood velocity exceeds three feet per second;

128 3. The standards for livestock flood sanctuaries in K.C.C. 21A.24.240.K. are
129 modified and replaced with the standards in subsection F. of this section;

130 4. The prohibition on livestock flood sanctuaries in the FEMA floodway in
131 K.C.C. 21A.24.260 does not preclude repair and reconfiguration to existing livestock
132 flood sanctuaries under this demonstration project;

133 5. K.C.C. 21A.24.270 is modified except an elevation report shall be required as
134 specified in K.C.C. 21A.24.270.A and provided to the department of development and
135 environmental services no later than October 31, 2008;

136 6. All other flood hazard area standards in K.C.C. 21A.24.230 through
137 21A.24.260 apply to this demonstration project; and

138 7. For purposes of this demonstration project, "repair or reconfiguration" may
139 include a vertical expansion of the existing livestock flood sanctuary if the expansion
140 does not increase the footprint laterally, except as needed for slope stability.

141 E. The following process shall be used to process requests for modifications of
142 regulations and limitations on permit requirements:

143 1. The specific livestock flood sanctuaries that will be included in this
144 demonstration project are those identified by the King County agriculture commission
145 under Ordinance 15883;

146 2. For shoreline exemption letters issued for projects identified under Ordinance
147 15883, the department of development and environmental services may modify the
148 conditions imposed on the exemptions to extend the deadline for project completion to
149 September 30, 2008, to require that construction not commence before May 1, 2008, and
150 to allow an elevation report to be submitted to the department by October 31, 2008, rather
151 than a FEMA elevation certificate. For purposes of this demonstration project,
152 requirements for clearing or grading permits under K.C.C. 16.82.050 are waived;

153 3. The department of natural resources and parks and the department of
154 development and environmental services shall rely on the flood hazard analysis
155 conducted under Ordinance 15883, Section 4.E.3., to determine which modifications of
156 the regulations are needed to achieve the desired proposal; and

157 4. The total fees for permits and review charged by the department of natural
158 resources and parks and department of development and environmental fees to
159 participants in this demonstration project shall not exceed five hundred dollars per
160 participant.

161 F. The modification or waiver of standards in subsection D. of this section shall
162 be approved if:

163 1. The combined impact of all development proposals does not exceed forty
164 thousand square feet of cumulative encroachment, except that proposals that can meet the
165 compensatory storage requirements shall not be included in the forty-thousand-square-
166 feet limitation;

167 2. The flood hazard analysis demonstrated compliance with K.C.C.
168 21A.24.240.A, as modified in subsection D. of this section, and the zero-rise
169 requirements of K.C.C. 21A.24.250.B. and 21A.24.260.B;

170 3. The repair or reconfiguration complies with the Livestock Flood Sanctuaries
171 in Flood Hazard Areas Best Management Practices approved under King County Public
172 Rule, Farm Management Plans, except for:

173 a. the requirement that the compensatory storage be provided in equivalent
174 volume at equivalent elevation to that being displaced by the pad and that it be
175 hydraulically connected to the source of flooding;

176 b. the restriction on development where the base flood depth exceeds three feet
177 or the base flood velocity exceeds three feet per second; and

178 c. the prohibition on livestock flood sanctuaries in the FEMA floodway;

179 4. The footprint of existing livestock flood sanctuaries is not expanded laterally,
180 except as needed for slope stability; and

181 5. The property owners sign a nonconversion agreement stating that the farm
182 flood pad or livestock flood sanctuary will not be converted to a nonagricultural use. The
183 nonconversion agreement is recorded on the title with the King County records and
184 licensing services division and runs with the land.

185 G. The demonstration project shall be run from May 1, 2008, to October 31,
186 2008. The following deadlines are also established:

187 1. By September 30, 2008, all work, including inspections, must be completed;
188 and

189 2. By October 31, 2008, an elevation report must be completed by a Washington
190 state-licensed civil engineer or land surveyor and returned to the department of
191 development and environmental services, with a copy to the department of natural
192 resources and parks.

193 H. If the completion of the approved projects results in information in addition to
194 or different from that included in the task force report transmitted to the King County
195 council on February 1, 2008, the King County executive will provide a supplemental
196 evaluation of the demonstration project by December 31, 2008.

197 I. For purposes of this section, farm flood pad means an artificially created
198 mound of earth or an elevated platform placed within a flood hazard area constructed to

199 an elevation that is above the base flood elevation to provide an area of refuge for
200 livestock or small animals, and for the storage of farm vehicles, agricultural equipment,
201 and shelter for farm products including, but not limited to, feed, seeds, flower bulbs and
202 hay.

203 J. For the purposes of this section, livestock flood sanctuary means an artificially
204 created mound of earth allowed by the county to be placed within a flood hazard area
205 following the floods of 1990 to provide an area of refuge for livestock.

206 SECTION 3. Section 4 of this ordinance is adopted as an interim official control
207 under RCW 36.70A.390 and expires six months after the effective date of this ordinance.

208 SECTION 4. For the reasons set forth in section 1 of this ordinance, the county
209 council finds as a fact and declares that an emergency exists and that this ordinance is

210 necessary for the immediate preservation of public peace, healthy or safety or for the
211 support of county government and its existing public institutions.

212

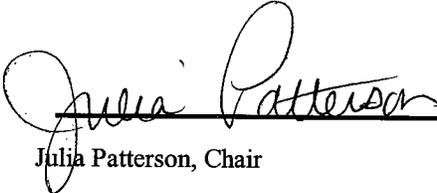
Ordinance 16101 was introduced on 5/12/2008 and passed as amended by the Metropolitan King County Council on 5/27/2008, by the following vote:

Yes: 8 - Ms. Patterson, Mr. Dunn, Mr. Constantine, Ms. Lambert, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Hague

No: 0

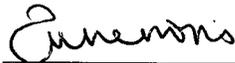
Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



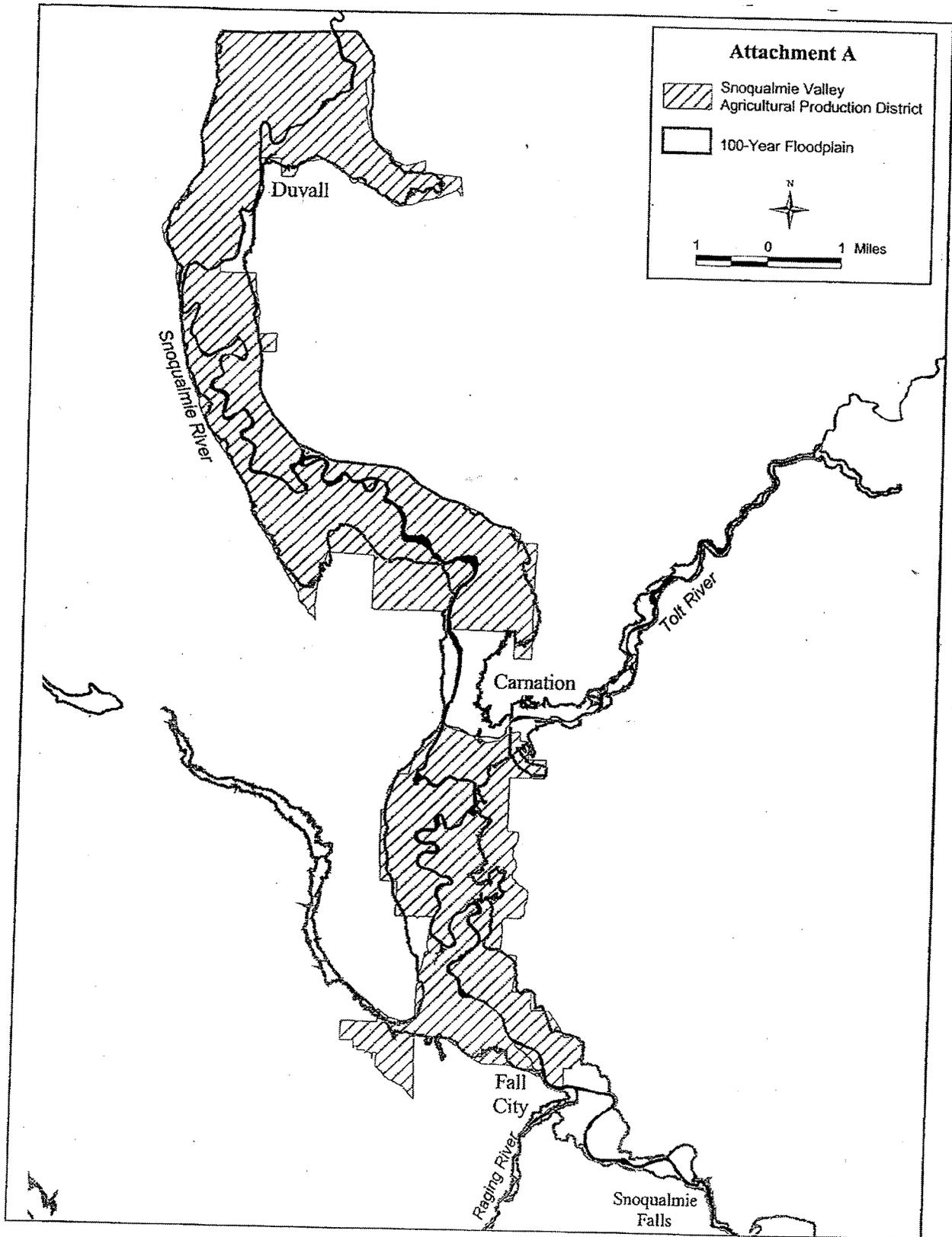
Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Demonstration Project Boundary Map



Demonstration Project Boundary