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Clerk 06/30/2008

AN ORDINANCE relating to agriculture, adding a definition for "farm pad," amending the definition of compensatory storage, allowing greater range of flexibility in providing compensatory storage, allowing farm pads and nonresidential agricultural accessory buildings in the Federal Emergency Management Agency floodway, providing the option for wet flood-proofing of some agricultural buildings, providing limited agricultural exceptions to the depth and velocity standards, establishing a compensatory storage bank; amending Ordinance 10870, Section 85, and K.C.C. 21A.06.225, Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070, Ordinance 10870, Section 471, as amended, and K.C.C. 21A.24.240, Ordinance 10870, Section 473, as amended, and K.C.C. 21A.24.260, Ordinance 3688, Section 404 and K.C.C. 25.16.040 and Ordinance 3688, Section 414, as amended and K.C.C. 25.16.190 and adding a new section to K.C.C. chapter 21A.06.

STATEMENT OF FACTS:

1. Motion 12559, passed on July 30, 2007, directed the King County executive to convene a task force to undertake the review of measures intended to encourage viability of agriculture within the Snoqualmie valley agricultural production district. The focus of the task force was to identify programmatic or regulatory changes to floodplain regulations that will benefit agriculture while simultaneously maintaining strong floodplain management standards to assure

no adverse impact to upstream and downstream property owners from flooding or impact salmon habitat.

2. The task force included representatives from the agricultural community, including the Hmong farmers, the King Conservation District, the King County agricultural commission and staff from the King County departments of development and environmental services and natural resources and parks.

3. The task force met for approximately three months and made sixteen recommendations, including changes to county code that will provide more regulatory flexibility to area farmers while maintaining strong floodplain management standards.

4. The King County executive transmitted the task force report to the King County council on February 1, 2008.

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

Compensatory storage: new, excavated storage volume equivalent to any flood storage ((~~which~~)) that is

eliminated by building filling or grading within the ((~~flood plain~~)) floodplain. ((~~For the purpose of this definition, equivalent flood storage capacity is that which is replaced by equal volume between corresponding one-foot contour intervals which are hydraulically connected to the floodway through their entire depth.~~))

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

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

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

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

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

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

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

e. the linear alteration:

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

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

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

met:

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

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

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

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

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

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

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

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

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

B. The director may approve alterations to critical areas, critical area buffers and critical area setbacks if the application of this chapter would deny all reasonable use of the property. The applicant may apply for a reasonable use exception pursuant to this subsection without first having applied for an alteration exception

under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted pursuant to the provisions of this section. The director shall determine that all of the following criteria are met:

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

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

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

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

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

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

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

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

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

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

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

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

2. Hydraulically connect to the source of flooding;

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

4. Occur on the site. The director may approve equivalent compensatory storage off the site if legal arrangements, acceptable to the department, are made to assure that the effective compensatory storage volume will be preserved over time. The director may approve off site compensatory storage through a compensatory storage bank managed by the department of natural resources and parks;

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

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

1. Agricultural accessory structures;

insrsid14238480 2. Roads and bridges;

3. Utilities;

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

5. Public park structures; and

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

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

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

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

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

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

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

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

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

c. include the following notice:

"Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles

during flood events. Residents and property owners should take appropriate advance precautions.";

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

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

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

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

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

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

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

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

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

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

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

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

a. the applicant shall provide certification by a civil or structural engineer that the dry flood-proofing methods are adequate to withstand the flood-depths, pressures, velocities, impacts, uplift forces and other

factors associated with the base flood. After construction, the engineer shall certify that the permitted work conforms to the approved plans and specifications; and

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

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

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

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

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

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

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

((~~5.~~)) 6. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning equipment and

other utility and service facilities to, or elevated above, the flood protection elevation;

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

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

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

a. anchor all manufactured homes; and

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

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

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

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

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

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

a. impairment to the system during flooding;

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

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

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

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

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

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

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

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

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

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

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

a. flood storage compensation consistent with subsection A. of this section;

b. siting and sizing that do not increase base flood elevations consistent with K.C.C. 21A.24.250.B. ((~~and 21A.24.260.D~~)); and

c. siting that is located in the area least subject to risk from floodwaters; and

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

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

2. Construct the livestock manure storage facility to the standards in an approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with the following:

a. flood storage compensation consistent with subsection A. of this section;

b. siting and sizing that do not increase base flood elevations consistent with K.C.C. 21A.24.250.B. and 21A.24.260.D;

c. dry flood-proofing to the flood protection elevation; and

d. siting that is located in the area least subject to risk from floodwaters.

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

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

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

C. New residential or nonresidential structures are prohibited within the mapped FEMA floodway, except for farm pads and nonresidential agricultural accessory buildings within an agricultural production district that meet applicable compensatory storage and conveyance standards. Until March 31, 2010, the size of a new nonresidential agriculture accessory building is limited to a footprint of five thousand square feet. A

residential structure cannot be constructed on fill placed within the mapped FEMA floodway((;)).

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

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

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

1. The existing residential structure was legally established;

2. The viability of the farm is dependent upon a residential structure within close proximity to other agricultural structures; and

3. Replacing an existing residential structure within the FEMA floodway is only allowed if:

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

b. the replacement residential structure is not located in an area that increases the flood hazard in water depth, velocity or erosion;

c. the building footprint of the existing residential structure is not increased; and

d. the existing structure, including the foundation, is completely removed within ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy, whichever occurs first, for the replacement structure((;)).

G. Maintenance, repair or replacement of a substantially damaged existing residential structure, other than a residential structure located within the agricultural production district on property that is zoned

agricultural (A), is allowed in the FEMA floodway if the structure meets the standards for existing residential structures and utilities in K.C.C. 21A.24.240 and also meets the following requirements:

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

a. base flood depths will not exceed three feet;

b. base flood velocities will not exceed three feet per second;

c. there is no evidence of flood-related erosion, as determined by location of the project site in relationship to mapped channel migration zones or, if the site is not mapped, evidence of overflow channels and bank erosion; and

d. a flood warning system or emergency plan is in operation;

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

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

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

5. The existing residential structure was legally established; and

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

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

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

c. the existing residential structure, including the foundation, is removed within ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy, whichever occurs first, for the

replacement structure((~~; and~~)).

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

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

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

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

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

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

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

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

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

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

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

public safety;

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

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

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

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

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

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

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

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

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

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

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

3. As part of and necessary to roadside or agricultural ditch maintenance that is performed consistent with best management practices promulgated through administrative rules pursuant to the sensitive areas

provisions of K.C.C. chapter 21A.24 and if:

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

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

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

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

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

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

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

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

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

((~~N.~~)) M. The county may impose reasonable conditions on dredging or disposal operations including, but not limited to, working seasons and provisions of buffer strips, including retention or replacement of existing vegetation, dikes((~~,~~)) and settling basins to protect the public safety and shore users' lawful interests from unnecessary adverse impact;

((~~O.~~)) N. In order to insure that operations involving dredged material disposal and maintenance dredging are consistent with this program as required by RCW 90.58.140(1), no dredging may commence on

shorelines without the responsible person having first obtained either a substantial development permit or a statement of exemption((~~; PROVIDED, that~~)), though no statement of exemption or shoreline permit is required for emergency dredging needed to protect property from imminent damage by the elements;

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

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

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

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

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