

lvstk.rt 10.17.91

Introduced by: BRUCE LAING
Derdowski

Proposed No.: 91-783

ORDINANCE NO. **10152**

AN ORDINANCE relating to clearing and grading permits; exempting livestock flood sanctuaries from clearing and grading permit requirements; amending Ordinance 9614, Section 100, and K.C.C. 16.82.050 and declaring an emergency.

PREAMBLE:
THE COUNCIL HEREBY FINDS THAT:

1. Section 17 of Chapter 322, 1991 Washington Laws requires that local governments include provision in their floodplain regulations for livestock flood sanctuary areas.
2. During the Thanksgiving 1990 flood, farmers in the Snoqualmie Valley lost over 500 cows, calves, and heifers and hundreds of tons of alfalfa hay, oat hay, dry grain, and straw.
3. Agriculture is a preferred land use for the Snoqualmie River Basin according to the Snoqualmie Valley Community Plan.
4. Agriculture is a land use compatible with flood hazard areas.
5. Construction of livestock flood sanctuary areas will help assure the continued viability of agricultural activity in the Snoqualmie River Valley.
6. The Soil Conservation Service provides assistance to dairy farmers in the construction of manure storage lagoons, and would consider construction of these areas to be a similar service.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9614, Section 100 and K.C.C. 16.82.050 are hereby amended to read as follows:

Clearing and Grading Permit required - Exceptions. A. No person shall do any clearing or grading without first having obtained a clearing and grading permit from the director except for the following:

1. An on site excavation or fill for basements and footings of a building, retaining wall, parking lot, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure;

1 2. The depositing or covering of any garbage,
2 rubbish or other material at any solid waste facility operated
3 by King County;

4 3. Maintenance of existing driveways or private
5 access roads within their existing road prisms, provided that
6 the performance and restoration requirements of this chapter
7 are met and best management practices are utilized to protect
8 water quality.

9 4. Any grading within a publicly owned road
10 right-of-way;

11 5. Clearing or grading by a public agency for the
12 following routine maintenance activities:

13 a. Roadside ditch cleaning provided the ditch
14 does not contain salmonids;
15 b. Pavement maintenance;
16 c. Normal grading of gravel shoulders;
17 d. Maintenance of culverts;
18 e. Maintenance of flood control or other approved
19 surface water management facilities;

20 f. Routine clearing within road right-of-way.

21 6. Any clearing or grading for roads within a
22 preliminary or finally approved residential plat which has been
23 approved by the director and for which a bond has been posted;

24 7. Maintenance or reconstruction of the facilities
25 of a common carrier by a rail in interstate commerce within its
26 existing right-of-way; provided restoration is consistent with
27 the requirements of Section 16.82.110; provided that this
28 exception does not apply if the clearing or grading is within a
29 sensitive area as regulated in K.C.C. Chapter 21.54.

30 8. Cemetery graves; provided that this exception
31 does not apply except for routine maintenance if the clearing
32 or grading is within a sensitive area as regulated in K.C.C.
33 Chapter 21.54;

34 9. Clearing or grading within a preliminarily or
35 finally approved residential plat not involving any excavation

1 exceeding five feet in vertical depth or any fill exceeding
2 three feet in vertical depth, regardless of the amount of
3 material to be removed; provided that this exception does not
4 apply if the clearing or grading is within a sensitive area as
5 regulated in K.C.C. Chapter 21.54;

6 10. Excavation less than five feet in vertical
7 depth not involving more than one hundred cubic yards of earth
8 or other material on a single site; provided that the exception
9 does not apply if the clearing or grading is within a sensitive
10 area as regulated in K.C.C. Chapter 21.54;

11 11. Fill less than three feet in vertical depth
12 not involving more than one hundred cubic yards of earth or
13 other material on a single site; provided that the exception
14 does not apply if the clearing or grading is within a sensitive
15 area as regulated in K.C.C. Chapter 21.54;

16 12. Minor stream restoration projects for fish
17 habitat enhancement by a public agency, utility or tribe as set
18 out in K.C.C. 21.54.

19 13. Clearing or grading for construction of
20 livestock manure storage facilities or associated nonpoint
21 source pollution facilities designed to the standards of and
22 approved in a conservation plan by the King County conservation
23 district, and constructed and maintained to those standards or
24 livestock flood sanctuaries constructed and maintained to the
25 standards approved by the Soil Conservation Service and
26 conservation district and the best management practices
27 approved by King County.

28 14. Clearing and grading, performed as Class I, II,
29 III or IV Special forest practice in the F (Forestry) zone,
30 that is conducted in accordance with RCW 76.09 and WAC 222.

31 15. The following activities are exempt from the
32 clearing requirements of this chapter and no permit shall be
33 required:

34 a. Clearing outside of sensitive areas and
35 buffers as regulated in K.C.C. 21.54 unless the development

1 proposal site is within an area subject to clearing
2 restrictions contained in a critical drainage area
3 administrative rule or in p-suffix conditions in an adopted
4 community plan.

5 b. Within sensitive areas, as regulated in
6 K.C.C. 21.54, the following activities are exempt from the
7 clearing requirements of this chapter and no permit shall be
8 required.

9 (1) Normal and routine maintenance of
10 existing lawns and landscaping subject to the limitations on
11 the use of pesticides in sensitive areas as set out in K.C.C.
12 21.54.

13 (2) Permitted agricultural uses; provided the
14 clearing is consistent with the agricultural exemptions in
15 sensitive areas as regulated in K.C.C. 21.54.

16 (3) Emergency tree removal to prevent
17 imminent danger or hazard to persons or property.

18 (4) Normal and routine horticultural
19 activities associated with commercial orchards, nurseries, or
20 Christmas tree farms in existence on the effective date of
21 Ordinance 9614 (November 27, 1990) subject to the limitations
22 on the use of pesticides in sensitive areas as set out in
23 K.C.C. 21.54. This does not include clearing or grading in
24 order to develop or expand such activities.

25 (5) Normal and routine maintenance of
26 existing public parks and private and public golf courses.
27 This does not include clearing or grading in order to develop
28 or expand such activities in sensitive areas.

29 (6) Removal of noxious weeds from steep slope
30 hazard areas and the buffers of streams and wetlands subject to
31 the limitations on the use of pesticides in sensitive areas as
32 set out in K.C.C. 21.54.

33 (7) Pruning and limbing of vegetation for
34 maintenance of above ground electrical and telecommunication
35 facilities; provided that the clearing is consistent with the

1 electric, natural gas, cable communication and telephone
2 utility exemption in sensitive areas as regulated in K.C.C.
3 Chapter 21.54.

4 (8) Class I, II, III and IV Special forest
5 practices outside of areas zoned F provided they occur on
6 parcels that meet all of the following criteria for long term
7 forestry:

8 (a) The parcel is enrolled under the
9 current use taxation program as timber land pursuant to RCW
10 84.34 or as forest land pursuant to RCW 84.33;

11 (b) A long term management plan is approved
12 for the parcel by the Washington Department of Natural
13 Resources;

14 (c) The parcel is located within areas
15 designated rural or agricultural by the King county
16 comprehensive plan or applicable community plan;

17 (d) The parcel is located outside of
18 expansion areas for incorporated cities or rural activity
19 centers as designated in community plans, and;

20 (e) The parcel equals or exceeds 5 acres in
21 size.

22 B. TEMPORARY PERMITS. The director shall have the
23 authority to issue temporary permits for excavations,
24 processing, quarrying and mining, and removal of sand, gravel,
25 rock and other natural deposits, together with the necessary
26 buildings, apparatus or appurtenances incident thereto for
27 specific jobs on application for highway, road, street, airport
28 construction, flood control and other public works projects.
29 In conjunction with such operations, allied uses such as, but
30 not limited to, rock crushers, concrete-batching plants and
31 asphalt-batching plants may be authorized by this temporary
32 permit.

33 The division of building and land development shall
34 consider the effect of the proposed operation on the county
35 road system and any effect it may have on surface or

1 groundwater drainage and flood control, and shall make such
2 recommendations as are necessary to protect the public interest
3 in this regard.

4 The division of building and land development shall also
5 consider the effect of the proposed operation on the current
6 and future land use in the area affected by the proposed
7 operation and shall condition permits as necessary to protect
8 the public interest in this regard. Temporary permits are good
9 for the life of the contract of the specific job but must be
10 reviewed annually. Each temporary permit site shall be fully
11 restored during the term of the temporary permit, unless the
12 site is subsequently designated with a QM zone classification
13 or included in an unclassified use permit.

14 SECTION 2. The county council finds as a fact and
15 declares that an emergency exists and that this ordinance is
16 necessary for the immediate preservation of public peace,
17 health or safety or for the support of county government and
18 its existing public institutions.

19 INTRODUCED AND READ for the first time this 7th day
20 of October, 1991.

21 PASSED this 4th day of November, 1991.

22 KING COUNTY COUNCIL
23 KING COUNTY, WASHINGTON

24 Lois North
25 Chair

26 ATTEST:

27 Gerald A. Peterson
28 Clerk of the Council

29 APPROVED this 15th day of November, 1991.

30 Jim Hill
31 King County Executive