



King County

Water and Land Resources Division

Department of Natural Resources and Parks

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TTY Relay: 711

November 16, 2020

TO: Jim Chan

FM: Josh Baldi

RE: Fish, Farm, Flood Regulatory Task Force findings concurrence memo

The Fish Farm Flood (FFF) Regulatory Task Force (RTF) assembled in February 2018 and has recently completed their scope of work. The RTF examined issues related to regulations that impacted commercial agriculture in the Snoqualmie Valley. The task force presented the findings in a set of issue papers and through recommendations to the FFF Implementation Oversight Committee. The findings were based in part on presentations by, and personal communication with, Permitting Division staff. In order to make these findings available in public facing informational materials, such as King County websites and informational bulletins, it would be helpful to have Permitting Division staff review the findings. Following the review, we would like to obtain a statement of concurrence indicating that the findings presented below are an accurate portrayal of current code as interpreted and implemented by Permitting Division.

The RTF findings related to King County land use codes are:

- Mitigation required when farmers maintain drainage ditches or build a farm pad or other structure in a wetland or a buffer of a wetland or stream**
Commercial agricultural uses including maintaining drainage ditches, building farm pads and constructing agricultural buildings are Allowed Alterations (21A.24.045) within Wetlands and Aquatic Areas buffers as long as work is consistent with certain conditions as described in King County Code and that the alteration complies with the avoidance criteria found in 21A.24.125 and mitigation requirements found in 21A.24.130. These types of agricultural projects must be associated with a farm management plan written by King Conservation District and approved by King County Department of Natural Resources and Parks.
- Mitigation for impacts to Critical Areas that minimize impact on farmable land**
King County recognizes that critical area codes have an impact on farmable lands while understanding the importance of wetland and stream buffers for fish and wildlife habitat and water quality. wetland and aquatic area The Agriculture Development Standards (KCC 21A.24.051) prioritize the productive agricultural land base and economic viability of agriculture on the site while maintaining, restoring or enhancing critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner.

King County Code provides flexibility for commercial agricultural activities, provided all the necessary criteria are met. Some examples include:

- Reduced wetland buffer widths commercial agricultural activities. (21A.24.325.A.2.c.(3))
- Buffer averaging. (21A.24.325.B)
- Placement of commercial non-residential farm structure are allowed in grazed or tilled wet meadows or their buffers as well as aquatic area buffers. (21A.24.045.D.3)
- Commercial agricultural activities such as prepping fields for crops, harvesting and other related crop activities, livestock grazing, construction or maintenance of livestock manure facilities, construction of a livestock heavy-use area, construction or maintenance of a farm pads, construction, maintenance, or replacement of agricultural drainage, and maintenance of agricultural waterways are allowed within grazed or tilled wet meadows or their buffers. (21A.24.045.C)

3. **Mitigation requirements for projects that need periodic maintenance**

Each time dredging is required, contact the King County Stormwater Services ADAP program. Not all Types of streams are included in this program. Buffers on most of the streams that qualify for ADAP are on farm fields. The Manual of Best Management Practices for Maintenance of Agricultural Waterways in King County (April 2012) specifically outlines planting requirements for streams based on their classification. Page 25 specifically outlines a planting plan using willows for future waterway maintenance as willows can be cut to ground and regrow quickly. Page 3 of the manual specifically requires that any native trees and shrubs be protected and that access to the waterway where there is native vegetation shall be accessed by hand cutting cross-sections 2.5 feet to 5 feet wide 100 feet apart.

Planting requirements are clearly outlined in the Manual if the project qualifies for the ADAP program. If it does not qualify for the program, a grading permit can be obtained, but there may be additional requirements.

4. **Requirements for setting up an advance mitigation program**

Permitting Division may and has on a case by case basis given mitigation credit for previous on-site plantings for commercial agricultural building permits. Landowners should be incentivized, rather than discouraged for this type of work. In most cases, the source of funding for the plantings generally determines whether that is allowed. If public monies were used, then plantings usually cannot be credited towards meeting project mitigation requirements. This is a policy that has been practiced for years but has never been codified.

Name
Date
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We would appreciate Permitting allocating staff time to review these findings. Following that review, Permitting would provide a statement of concurrence with the findings to the Water and Land Resources

Permitting Division staff has reviewed this memo and concurs with the information in the FFF Regulatory Task Force Findings

Mark Rowe

Mark Rowe
Assistant Director

Signature: 
Mark Rowe (Mar 3, 2021 07:38 PST)

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