

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--------------------------|---------|----------|---------------------------------|-------------|--------------|
| Originator: Executive | DW | 11/23/98 | | 11/24 | Public Works |
| Division Head: | | | | 11/24 | Consent |
| Dept. Head: | | | | | |
| Prosecutor Dan Gibson | | | | | |
| Purchasing/Budget: | | | | | |
| Executive: | PK | 11/23/98 | | | |

SUBJECT:
Resolution for Emergency at Ritter Road

ATTACHMENTS:

Resolution & Memo

Related County Contract #:

Should Clerk schedule a hearing: NO /x_/ YES /_/ Requested Date:

SUMMARY STATEMENT:

Resolution declaring an imminent danger and emergency situation exists for the left bank of the Nooksack River near the end of the Ritter Road.

Ordinance & Resolution Distribution Request
To keep down our copying costs, indicate only those who must receive a copy after Council action. List names to the right.

| | |
|---------------------------|------------------|
| ADS Facilities Management | |
| ADS Finance | |
| ADS Human Resources | |
| ADS Info Services | |
| Assessor | |
| Auditor | |
| Cooperative Extension | |
| District Court | |
| Executive | Francine Kincaid |
| Health | |
| Hearing Examiner | |
| Jail | |
| Juvenile | |
| Parks | |
| Planning | |
| Prosecutor | |
| Public Works | Jeff Monsen |
| Sheriff | |
| Superior Court | |
| Treasurer | |
| Other | |

RECOMMENDED ACTION:

Approval

COUNCIL ACTION TAKEN:

1998 - 342 A 11/24/98: Amended and Approved 7-0, Res. #98-077

Ordinance or Resolution Number
(this item): **RES-98-077**

SPONSORED BY: CONSENT

PROPOSED BY: EXECUTIVE

INTRODUCTION DATE: 11/24/98

RESOLUTION NO. 98-077

RESOLUTION OF THE WHATCOM COUNTY COUNCIL DECLARING THAT AN
IMMINENT DANGER AND EMERGENCY SITUATION EXISTS FOR THE LEFT BANK
OF THE NOOKSACK RIVER NEAR THE END OF RITTER ROAD

WHEREAS, Whatcom County has one major river, the Nooksack River, within the western part of the county; and

WHEREAS, the Nooksack River is adjoined by a floodplain throughout its course, especially throughout the lower reaches of the river; and

WHEREAS, the floodplain throughout the lower reaches constitutes the heart of a rich agricultural area that serves as a significant portion of the land base for agricultural activity in Whatcom County; and

WHEREAS, the land within the floodplain is not only composed of productive soil, but is also naturally subirrigated, substantially reducing or eliminating the need for groundwater or surface water withdrawals for irrigation that are necessary for commercial production on the uplands in Whatcom County; and

WHEREAS, it is the policy of Whatcom County, adopted in its Comprehensive Plan, to protect productive agricultural land; and

WHEREAS, in the lower reaches of the Nooksack River, there is considerably less meander than in the upper reaches of the river, and there are sound economic and hydrologic reasons to limit the meander in the absence of extensive study to determine the implications of greater meander; and

WHEREAS, allowing the river to broaden its meander corridor in its lower reaches entails the destruction and isolation of rich farmland, rendering it unproductive for agricultural purposes; and

WHEREAS, Whatcom County has developed and distributed a draft Comprehensive Flood Hazard Management Plan which addresses the dynamics of river flooding and puts forward recommendations for flood management of various reaches of the river; and

WHEREAS, the focus of the draft plan for the reach of the river between Ferndale and Lynden is to ensure that floodwaters can reach their natural overflow corridors, and not to increase

the width of the meander corridor; and

WHEREAS, within this reach of the river a series of levees has been constructed and maintained which in their placement and other engineering assume a particular direction of flow for the river relative to each of those levees; and

WHEREAS, when the channel of the river is altered significantly through erosion and/or accretion, there is a significant likelihood of downstream impacts as the stress points on banks and levees shift with the movement of the river channel; and

WHEREAS, in the area of Ritter Road, which approaches the river from the south almost directly across the river from the point where Bertrand Creek flows into it from the north, there has been significant erosion of the left (south) bank of the river as the river begins to move in a northwesterly direction for the last time before shifting sharply to the south; and

WHEREAS, in periods of high water and flooding, an immense amount of energy is brought to bear by the river on bends such as this one with the resulting potential of a significant shift in the flow of the river, and concomitant downstream impacts; and

WHEREAS, construction of bank protection devices optimally occurs outside of an emergency setting; and

WHEREAS, in mid-September, 1998, Whatcom County Executive Pete Kremen sent a letter to the Washington State Department of Fish and Wildlife expressing his concern and his belief that immediate action was warranted on the bank stabilization project in the area of Ritter Road; and

WHEREAS, there is constant threat of flooding and bank erosion during the winter months, when heavy rains and melting snow can produce flood conditions within a day, and also render access to threatened banks and levees nearly impossible; and

WHEREAS, the current conditions of the river and the weather represent a grave threat to the integrity of the left bank structures in the area of the Ritter Road; and

WHEREAS, the situation at that location should be addressed as quickly as weather permits so as to avoid further major erosion of the bank and the significant likelihood of detrimental downstream impacts, as well as the loss of high quality farmland; and

WHEREAS, the Whatcom County Flood Control Zone District Advisory Committee is aware of the situation at this location and concurs with the importance of taking action in the form of bank protection proposed by the flood staff within the Whatcom County Public Works Department's Engineering Division; and

WHEREAS, further delays in the permitting process under current weather and potential

flooding conditions are likely to produce the result that the bank protection project is designed to avoid;

WHEREAS, Whatcom County desires a cooperative working relationship with the state permitting agencies but is firmly convinced that this situation is not the point at which to commence significant change in flood management policy without more exhaustive consideration and analysis of the ramifications of such a policy shift; and

WHEREAS, breaching will directly impact one residence and potentially threaten three others;


NOW, THEREFORE, BE IT RESOLVED, by the Whatcom County Council that the circumstances pertaining to the left bank erosion at the Ritter Road site constitute both an immediate danger and an emergency for purposes of RCW 75.20 and all other permitting requirements, and that it is the desire of this Council to have the proposed project for this site proceed as quickly as possible consistent with the contractual and funding requirements that are in place for this type of project.

BE IT FURTHER RESOLVED by the Council that the process for review and adoption of the Whatcom County Comprehensive Flood Hazard Management Plan proceed as quickly as reasonably possible so that individual situations similar to this current one can be viewed and responded to within the context of an approved plan for the entire river system.

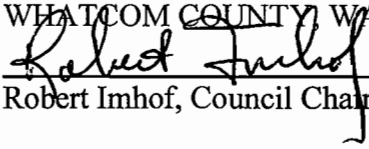
BE IT FINALLY RESOLVED that the affected permitting agencies be notified immediately of this resolution and its contents.

APPROVED this 24 day of Nov., 1998

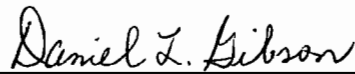
ATTEST:


Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Robert Imhof, Council Chair

APPROVED AS TO FORM:


Civil Deputy Prosecutor