

Agriculture and the Critical Areas Regulations – LSLU 5/21/25

Agricultural activities are regulated under the critical area regulations in multiple ways. This write up focuses on what is allowed under the critical area alterations table, grading permit exemptions table, standards for agricultural activities in the critical areas regulations, and the livestock management ordinance. There are other regulations that apply to agricultural activities, including but not limited to zoning conditions, floodplain and shoreline regulations.

Standards for Agricultural Activities (note that where there is highlighting, that is the equivalent exemption for a clearing and grading permit)

- Construction of new single detached dwelling units are limited to farm residences, are only an allowed alteration in certain types of wetlands or wetland buffers, and are subject to the same criteria as nonresidential structures.
- Construction of nonresidential structures are an allowed alteration in alluvial fan hazard areas, wetlands and buffers, aquatic areas, riparian areas, severe migration hazard areas, and wildlife habitat areas, on sites where the predominant use is agricultural activities, with a farm management plan and all BMPs for the associated structure are installed and maintained, and limits on location; specific requirements for fencing; and for alluvial fan hazard areas and severe CMZs, feasibility of other more appropriate locations on-site, least risk, no hazardous substances, limits on footprint within the severe CMZ.
- Horticultural activities and grazing of livestock are an allowed alteration, without expansion into critical areas or buffers, in any critical area or buffer.
- New or expanded horticultural activities and grazing of livestock is an allowed alteration in wetlands/buffers, aquatic areas, riparian areas, CMZ, and wildlife habitat areas, on sites where the predominant use is agricultural activities, with limits to the clearing allowed (there is a change in the code from a square footage limit, to a limit on clearing vegetated areas), and with a farm management plan and all BMPs for the associated activities are installed and maintained. Note that the alteration table doesn't require it, but there are additional grazing buffer requirements for wetlands and buffers, aquatic areas, and riparian areas that are described below.
- These standards, for existing and for new and expanded, also apply to new and expanded commercial fish farm (except for landslide hazard areas over 40% slope and steep slope hazard areas and buffers, and that commercial fish farms are not an allowed alteration in these landslide hazard areas or buffers or alluvial fan hazard areas).
- These standards, for existing and for new and expanded, also apply to construction and maintenance of farm ponds, fish ponds, and livestock watering ponds (no permit for maintenance, but if the drainage area is used by salmonids, must have a farm plan and be inspected by KCD, DNRP, DLS or WDFW).
- Construction of a livestock heavy use area is an allowed alteration (except is not an allowed alteration in landslide hazard areas over 40% slope and steep slope hazard areas and buffers, and alluvial fan hazard area), with the same standards as for horticultural activities; plus limits for certain types of wetlands (only within a grazed or tilled wet meadows and buffers, with a farm plan or livestock plan, feasibility of other more appropriate locations on-site, and as far out of the buffer as possible); plus limits for aquatic areas, riparian areas, and CMZs (only in severe CMZs outside shoreline jurisdiction, in grazed or tilled wet meadows and their buffers, or in grazed or tilled riparian area; and with criteria for minimizing impacts, feasibility, farm plan, and least risk).
- Construction or maintenance of a farm pad is an allowed alteration in wetlands and buffers, aquatic areas, riparian areas, and CMZs, with criteria (only in severe CMZs outside shoreline jurisdiction, in grazed or tilled wet meadows and their buffers, or in grazed or tilled riparian area; and with criteria for minimizing impacts, feasibility, farm plan and all BMPs for the associated activities are installed and maintained, and least risk).
- Construction or maintenance of a livestock manure storage facility (no grading permit required with an approved farm plan, except a grading permit is required in landslide hazard areas under 40%, wildlife habitat networks, and wildlife habitat conservation areas) is an allowed alteration (except is not an allowed alteration in landslide hazard areas over 40% slope and steep slope hazard areas and buffers, and in an alluvial fan hazard area), with the same standards as for horticultural activities; plus limits for certain types of wetlands (only within a grazed or tilled wet meadows and buffers, with a farm plan or livestock plan, feasibility, and as far out of the buffer as possible); plus limits for aquatic areas, riparian areas, and CMZs (only in severe CMZs outside shoreline jurisdiction, in grazed or tilled wet meadows and their buffers, or in grazed or tilled riparian area; and with criteria for minimizing impacts, feasibility, farm plan, and least risk). The flood code also prohibits new manure facilities with slurries or sludge in the FEMA floodway.
- Construction of new agricultural drainage is an allowed alteration in wetlands and buffers, aquatic areas, riparian areas, CMZs, and wildlife habitat areas, with a farm plan; and no disturbance during breeding season in habitat areas.
- Maintenance or replacement of agricultural drainage (no grading permit required, but if the drainage area is used by salmonids, must have a farm plan and be inspected by KCD, DNRP, DLS or WDFW) is an allowed alteration in any critical area. Criteria includes:
 - Allowed with a forest plan or farm plan; or if it is done with hand labor, the area is stabilized to avoid noxious weed regrowth, revegetation occurs, and herbicides are used legally.
 - Allowed for existing agricultural activities, without expansion into critical areas or buffers.
 - Allowed for new and expansion of agricultural activities on sites where the predominant use is agricultural activities, with limits to the clearing allowed, and with a farm management plan and all BMPs for the associated activities are installed and maintained.
 - Where the drainage is used by salmonids, requires a farm plan.
- Maintenance of agricultural waterway (no grading permit if in compliance with the critical area alteration, but an inspection is required by KCD, DNRP, DLS or WDFW) is an allowed alteration in critical areas (but not allowed in habitat areas). Criteria includes:
 - Purpose is to improve agricultural production for sites engaged in agriculture;
 - With a Hydraulic Project Approval permit from WDFW;

- Compliance with the approved ADAP agreement;
 - Work is done by a trained person; and
 - Compliance with the Clearing and Grading Code.
- Construction (no grading permit is required on sites with agricultural activities, with a farm plan and all constructed using BMPs), 14' wide max, minimizing impacts, KCWSDM, least risk of channel migration, and other permits are obtained) or maintenance (no permit required if there is a farm plan) of farm field access drive is an allowed alteration in all critical areas in the A, APD, or FPP, on sites where there are agricultural activities, with a farm management plan and all BMPs for the associated activities are installed and maintained, feasibility, compliance with the KCSWDM, least risk of channel migration, and other permits are obtained.

Supplemental allowance for agricultural activities within wetland buffers, riparian areas, and habitat conservation areas

- Alterations can expand within these areas with a farm plan or livestock plan.
- Does not exempt these activities from permits, if they are otherwise required.
- Requires a public rule for farm plans.
- Goals for the farm plans include:
 - maintain the productive agricultural land base and economic viability of agriculture on the site
 - maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner
 - use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan
 - monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan
- In the shoreline jurisdiction, also required to be consistent with SMP, consider shoreline protection and restoration plan, and ensure no net loss of shoreline and critical area functions and values.
- Plans are required to include:
 - Inventory of critical areas, structures, cleared and forested areas, and other significant features
 - Site-specific performance standards and best management practices to:
 - maintain, restore or enhance critical areas and associated buffers, and
 - maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages
 - A plan for future changes to structures or clearing or grading
 - A plan for implementation and monitoring. Modifications to the farm plan are encouraged if adverse impacts are identified.
- Farm plans are required to document flood compensatory storage compliance.
- Farm plans are required to be approved by the County. The County can do a site visit before approval, and the County's review is that the farm plan is likely to accomplish the goals and is consistent with the standards.

Additional requirements for livestock management

- Farm plans are required to have:
 - Nutrient management plans
 - Measures to minimize pollution in wetlands and aquatic areas, which could include exclusion of animals from such areas
 - Timeline for implementation
 - An option to require a monitoring plan
- Allowances in the livestock management plan include:
 - A goal of a:
 - 40 foot wide grazing area buffer from the OHWM of S and F aquatic areas and edge of category I, II, and III wetlands (not including grazed wet meadows)
 - 35 foot wide grazing area buffer from the OHWM of N aquatic areas
 - 20 foot wide grazing area buffer from edge of category 4 wetlands (not including grazed wet meadows)
 - These buffers can be varied, or changed, based on guidelines agreed to by King County and KCD.
 - Manure BMPs to avoid having manure within 10 feet of O aquatic areas are required.
 - Clearing of lands for grazing are required to comply with K.C.C. 21A.24 (the standard widths plus the alterations table).
 - Ensure that drainage ditches do not channel waste to aquatic areas or wetlands

- A20 foot wide vegetated area is required downslope of confinement areas, within 200 feet of S, F, and N waters. This may be waived on sites with 2.5 acres or less, if there is a buffer of 40 feet, manure is removed daily in the winter and stored in compliance with the K.C.C., and BMPs recommended by the KCD are implemented and maintained
- Deviation from manure management standard are addressed in the livestock plan.
- A copy of the final plan is submitted to the department within 60 days of completion. An appeal to the Hearing Examiner of DNRPs approval is allowed.
- Properties with an existing approved livestock management plan are deemed to have satisfied the requirements.
- Low density livestock operations are not required to get a livestock management plan if they meet other standards in K.C.C. 21A.30.060, including:
 - Livestock watering standards, including limiting access to aquatic areas and riparian areas, use of fencing, use of bridges;
 - Grazing area buffers of 50 feet from edge of a wetland (excluding grazed wet meadows) or OHWM of S, F, or N aquatic areas, or 25 feet from a category IV wetland. These buffers can be reduced to 25 feet when a 25-foot buffer already exists. Fencing is required. These buffers include from critical areas on adjacent properties.
 - Clearing of lands for grazing are required to comply with K.C.C. 21A.24 (the standard widths plus the alterations table).
 - No plowing within 200 feet of S, F, or N aquatic areas or wetlands in the winter.
 - Confinement areas within 200 feet S, F, or N aquatic areas or wetlands (except grazed wet meadows) require a 20-foot vegetative filter strip downhill from confinement area and new confinement areas cannot be located in the riparian area adjacent to S, F, or N aquatic areas or wetlands. Fencing is required. These requirements apply for aquatic areas and wetlands on adjacent properties.
 - Manure storage areas required that runoff be diverted away from manure storage. Manure 200' uphill of S, F, or N aquatic areas or wetlands required to be covered to exclude precipitation and allow free flow of air or be in a concrete bunker (which requires monitoring) or lagoon for pickup to prevent leachate from reaching aquatic area or wetland. May not be stored in a riparian area or wetland buffer except grazed or tilled wet meadows, if there is another alternative on site. Avoid manure runoff into aquatic areas or wetlands. Manure piles cannot be closer than 100 feet uphill from wetland edges (except grazed or tilled wet meadows), OHWM of aquatic areas, or ditches where the topography would direct runoff from the manure; can be reduced to 50 feet if part of a compost system on an impervious area. Limits on spreading manure seasonally.
 - Buffer maintenance is allowed.
 - Areas with existing fencing are deemed compliant, except fencing must be present for all S and F aquatic areas.
 - No public access, use, or dedication within buffer areas.

Critical Area Alterations Table

	<u>Alluvial Fan Hazard Areas</u>	Wetland and Buffer	<u>Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas</u>	<u>Wildlife Habitat Conservation Areas and Wildlife Habitat Networks</u>	Conditions	Policy Staff Comments
Structures						
Construction of new single detached dwelling unit		A1	((A2))		1 allows farm residences are allowed in wetland and buffers (grazed or tilled wet meadows only) 2 would allow a new single detached dwelling unit in a buffer of a lake over 20 acres with several conditions. This allowance is proposed to be removed.	<ul style="list-style-type: none">• 1 would allow a farm residence to be constructed in a grazed or tilled wet meadow, which is a type of wetland, subject to certain conditions. This is a policy choice to allow these residences in wetlands.• No other allowances for new single detached dwelling units are allowed in critical areas. A new single detached dwelling unit in these identified critical areas/buffers would be required to go through a critical area alteration exception or a reasonable use exception (depending on the impact).
<u>Construction of nonresidential structure</u>	A3	A3	A3	A3, 4	3 Expansion of agriculture to agricultural activities, meaning sites with processing and warehousing can build new nonresidential structures (subject to feasibility, risk, size, impact requirements) as follows: <ul style="list-style-type: none">• Allowed in alluvial fans• Allowed in wetland and buffers (grazed or tilled wet meadows only)• Allowed in riparian areas	3: Alluvial fan hazard areas are a type of steep slope hazard area. New nonresidential structures are not permitted in a steep slope hazard area, meaning that it would not be allowed in an alluvial fan hazard area. Council may wish to clarify this.

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
					<ul style="list-style-type: none">Allowed in channel migration hazard areasAllowed in WHCA and WHN outside of seasonal limits <p>4 limits clearing during breeding seasons.</p>	
<p>1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of subsection D.3. of this section.</p> <p>2. ((Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if...</p> <p>3. Limited to nonresidential farm-structures in grazed or tilled wet meadows, ((or)) wetland buffers ((of wetlands)), or ((aquatic)) riparian areas where:</p> <p>a. the site is predominantly used for the practice of ((agriculture)) agricultural activities;</p> <p>b. the structure is in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051;</p> <p>c. the structure is either:</p> <p>(1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas, and the area was not used for crop production;</p> <p>(2) higher in elevation and no closer to the critical area than its existing position; or</p> <p>(3) at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan;</p> <p>d. all best management practices associated with the structure specified in the farm management plan are installed and maintained;</p> <p>e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and</p> <p>f. in an alluvial fan hazard area or a severe channel migration hazard area ((portion of an aquatic buffer only)) if:</p> <p>(1) there is no feasible alternative location on-site;</p> <p>(2) the structure is located where it is least subject to risk from alluvial fan hazards or channel migration;</p> <p>(3) the structure is not used to house animals or store hazardous substances; and</p> <p>(4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site.</p> <p>4. No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382.</p>						<p>3: Changing “agriculture”, which is limited to growing crops, livestock, or agricultural products, to “agricultural activities” would expand the types of uses. Agricultural activities includes other activities like on-site storage, distribution, processing, sales, maintenance. This would allow new nonresidential structures in critical areas associated with any type of agricultural activity, rather than just associated with agricultural uses (growing crops and raising livestock). This is a policy choice.</p> <p>This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.</p>
Agriculture						
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A53	A53, 54	A53, 54	A53, 54	<p>53 Generally speaking, agricultural activities in existence since 1/1/2005 would be permitted to continue with no expansion allowed.</p> <p>54 covers new and expansion of activities, if:</p> <ul style="list-style-type: none">The site is predominately used for agricultural activities;No expansion occurs in areas cleared under class I, II, III, IV-S, or nonconversion IV-G forest practice permits;No expansion occurs in wetland, wetland buffer, or riparian area with native forest overstory, shrub, or herbaceous layer (except that areas managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock are allowed to expand in these areas);A farm management plan is approved;BMPs are installed and maintained.	<ul style="list-style-type: none">The proposed ordinance would allow livestock activities to occur in wetlands, wetland buffers, riparian areas, aquatic areas, severe channel migration zones, wildlife habitat networks, and wildlife conservation areas, subject to limitations and conditions summarized below. New and expanded grazing areas would be subject to grazing area buffers between 0 and 50 feet (see the discussion on these below). Livestock manure management facilities and livestock heavy use areas do not appear to have a numeric buffer, except that the livestock management standards have a goal for 20 feet of vegetation is to be achieved downslope of confinement area for a Type S, F, and N aquatic areas in some situations. Whether to allow these activities in critical areas or buffers and to what extent they may be in a critical area is a policy choice.
Grazing livestock	A53	A53, 54	A53, 54	A53, 54		
Construction or maintenance of a commercial fish farm		A53, 54	A53, 54	A53, 54		
Construction or maintenance of farm pond, fish pond, or livestock watering	A53, 54	A53, 54	A53, 54	A53, 54		

	<u>Alluvial Fan Hazard Areas</u>	Wetland and Buffer	<u>Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas</u>	<u>Wildlife Habitat Conservation Areas and Wildlife Habitat Networks</u>	Conditions	Policy Staff Comments
pond						<p>53: As written, this condition appears to limit agricultural activities to only those established after January 1, 2005, not those in continuous existence before. This could be clarified. It could also be updated to reflect agricultural activities legally established between 2005 and 2025 (or to remove the date completely).</p> <p>54: New and expansion of livestock in these critical areas would be permitted on properties predominately used for agricultural activities, on areas without predominantly native vegetation, subject to grazing area buffers (0 to 50 feet), a farm management plan, and other requirements. Agricultural activities include the growing of crops and livestock, but also includes activities such as processing, warehousing, or sales. It is unclear if this is consistent with the BAS report, which indicates that the full buffer widths in K.C.C. 21A.24.358, ranging from 50 to 200 feet, “would apply if new grazing areas were proposed in critical areas that haven’t been converted for agricultural use” (page 97). Executive staff indicate that the code is intended to support the GMA goals around agriculture.</p> <p>54: Changing “agriculture”, which is limited to growing crops, livestock, or agricultural products, to “agricultural activities” would expand the types of uses. Agricultural activities include other activities like storage, distribution, processing. It means that meaning sites with processing and warehousing can build new nonresidential structures (subject to feasibility, risk, size, impact requirements) as follows:</p> <ul style="list-style-type: none">• Allowed in alluvial fans• Allowed in wetland and buffers (grazed or tilled wet meadows only)• Allowed in riparian areas• Allowed in channel migration hazard areas• Allowed in WHCA and WHN outside of seasonal limits <p>This is a policy choice.</p>

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
						<p>Also in 54, Council may wish to include “aquatic area” to this list to clarify that livestock is not permitted in aquatic areas.</p> <p>Finally in 54, there is an exception to the clearing limit to allow for pulpwood, Christmas trees, or ornamental nursery stock. This is a policy choice.</p>
<p>53: Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states <u>not exceeding seven years</u> and associated with these horticultural and agricultural activities.</p> <p>54. Allowed for expansion of existing or new agricultural activities where:</p> <ol style="list-style-type: none"> the site is predominantly involved in the practice of ((agriculture)) agricultural activities; there is no expansion into an area that: <ol style="list-style-type: none"> has been cleared under a class I, II, III, IV-S, or nonconversion IV-G forest practice permit; or is ((more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height)) a wetland, wetland buffer, or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock; the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and all best management practices associated with the activities specified in the farm management plan are installed and maintained. 						<p>54: As proposed, new or expanded agricultural activities would not be limited to 10,000 sf in treed areas, and instead would not be allowed in wetland, wetland buffers, or riparian areas that contain native forestry overstory, shrub, or herbaceous layer. Executive staff indicate that this change would result in greater protections, as the existing code would allow clearing of native shrubs or herbaceous species without a farm management plan or grading permit. This change would connect protection to specific critical areas, consistent with the County's BAS, and limit new expansion into these critical areas. However, Council may note that these changes still would allow some livestock activities in critical areas that do not meet the native vegetation criteria, which represents a high-risk approach. This is a policy choice.</p>
Construction of a livestock heavy use area		A53, 54, 55	A53, 54, ((55,)) 56	A53, 54	<p>55 allows the activities (livestock heavy use area and livestock manure storage facility) only in grazed or tilled wet meadows and their buffers:</p> <ul style="list-style-type: none"> With a farm management plan or livestock management plan; If there is not another feasible location on-site; and The facility is located as close to the outside edge of the buffer to the maximum extent practical. <p>56 allows activities:</p> <ul style="list-style-type: none"> In severe CMZs outside the shoreline jurisdiction; In grazed or tilled wet meadows and their buffers; In grazed or tilled riparian area; With criteria: <ul style="list-style-type: none"> Impacts have been minimized; There is no other feasible location on-site; The farm management plan is followed; and There is the least risk from channel migration. <p>There is also a separate provision in the flood hazard code that prohibits new facilities in the FEMA floodway:</p>	<p>55 and 56 allow the construction of a livestock manure storage facility or livestock heavy use areas with no minimum buffer requirement, except that 20 feet of vegetation is a goal that the livestock management standards seek to livestock standards downslope of confinement area for a Type S, F, and Naquatic areas in some situations. This is a policy choice.</p> <p>This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.</p>
Construction or maintenance of a farm pad		A56	A56			
Construction or maintenance of livestock manure storage facility		A53, 54, 55	A53, 54, ((55,)) 56	A53, 54		

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
					<p>21A.24.260 FEMA floodway - development standards and alterations. The following development standards apply to floodplain development and alterations on sites within the FEMA floodway:</p> <p>...</p> <p>E. New livestock manure storage facilities for liquid and slurry manure are prohibited in the FEMA floodway. Existing livestock manure storage facilities may be repaired or enlarged as necessary to comply with the standards in the farm's nutrient management plan.</p>	
<p>55. Only allowed in grazed or tilled wet meadows or ((their)) associated buffers if:</p> <p>a. the facilities are designed to the standards of an approved farm management plan <u>or livestock management plan</u> and in accordance with K.C.C. 21A.24.051 ((or an approved livestock management plan in accordance with K.C.C. chapter 21A.30));</p> <p>b. there is not a feasible alternative location available on the site; and</p> <p>c. the facilities are located close to the outside edge of the buffer to the maximum extent practical.</p> <p>56. Only allowed in:</p> <p>a.(1) a severe channel migration hazard area located outside of the shoreline((s)) jurisdiction area;</p> <p>(2) grazed or tilled wet meadow or wet meadow buffer; or</p> <p>(3) ((aquatic area buffer)) <u>grazed or tilled riparian area</u>; and only if:</p> <p>b.(1) the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized;</p> <p>(2) there is ((not another)) <u>no other</u> feasible location available on the site that is located outside of the critical area or critical area buffer;</p> <p>(3) the farm pad, <u>livestock manure storage facility, or livestock heavy use area</u> is <u>designed</u> to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and</p> <p>(4) for proposals located in the severe channel migration hazard area, the farm pad, <u>or livestock manure storage facility, or livestock heavy use area</u> is located where it is least subject to risk from channel migration.</p>						<p>55 and 56 could be combined, or the language could be made consistent (55.b and 56.b.(2), 55.a. and 55.b.(3)). 55 could apply only to wetland and buffer, and 56 could apply only to aquatic area, riparian area, etc.</p> <p>56.b.(3) should say <u>designed "and constructed"</u></p>
Construction of agricultural drainage		A57	A57	A4, 57	<p>4. No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382.</p> <p>57. Allowed for new agricultural drainage in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051 and all <u>best management practices</u> associated with the activities specified in the farm management plan are installed and maintained.</p>	<p>57 could use consistent wording with other conditions (55, 56, etc.) when referring to farm plans and BMPs.</p> <p>This existing code requires that all <u>BMPs</u> in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.</p>

	Alluvial Fan Hazard Areas	Wetla nd and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
Maintenance or replacement of agricultural drainage	A23, 53, 54, 58	A23, 53, 54, 58	A23, 53, 54, 58	A4, 23, 53, 54, 58	<p>4. No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382.</p> <p>23. Allowed as follows:</p> <p>a. if conducted in accordance with an approved forest management plan((;)) or farm management plan((; or rural stewardship plan)); or</p> <p>b. without an approved forest management plan((;)) or farm management plan((; or rural stewardship plan)), only if:</p> <p>(1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, or herbicides or biological control methods;</p> <p>(2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;</p> <p>(3) the cleared area is revegetated with native vegetation or climate-smart plants and stabilized against erosion; and</p> <p>(4) herbicide use is in accordance with federal and state law((;)).</p> <p>53. Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states not exceeding seven years and associated with these horticultural and agricultural activities.</p> <p>54. Allowed for expansion of existing or new agricultural activities where:</p> <p>a. the site is predominantly involved in the practice of ((agriculture)) agricultural activities;</p> <p>b. there is no expansion into an area that:</p> <p>(1) has been cleared under a class I, II, III, IV-S, or nonconversion IV-G forest practice permit; or</p> <p>(2) is ((more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height)) a wetland, wetland buffer, or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock;</p> <p>c. the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and</p> <p>d. all best management practices associated with the activities specified in the farm management plan are installed and maintained.</p> <p>58. If the agricultural drainage is used by salmonids, maintenance shall ((be in compliance)) comply with an approved farm management plan in accordance with K.C.C. 21A.24.051.</p>	<p>53: As written, this condition appears to limit agricultural activities to only those established after January 1, 2005, not those in continuous existence before. This could be clarified. It could also be updated to reflect agricultural activities legally established between 2005 and 2025 (or to remove the date completely).</p> <p>54: The change from “agriculture”, to “agricultural activities” would expand the types of uses. It means that meaning sites with processing and warehousing but not necessarily growing crops or raising livestock are able to use this alteration allowance.</p> <p>Conditions 53 to 58 are difficult to follow as they cover overlapping scopes and provide different requirements. They could be rewritten to provide clarity and consistency.</p> <p>This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.</p>

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
Maintenance of agricultural waterway	A69	A69	A69		<p>69. Only for maintenance of agricultural waterways if:</p> <p>a. the purpose of the maintenance project is to improve agricultural production on a site predominately engaged in the practice of agriculture;</p> <p>b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife ((pursuant to)) in accordance with chapter 77.55 RCW;</p> <p>c. the maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology;</p> <p>d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and</p> <p>e. the maintenance project complies with K.C.C. chapter 16.82.</p>	<p>The requirements for agricultural waterways are different than the requirements for agricultural drainage.</p> <p>Agricultural waterway: A segment of a modified type F, N or O aquatic area that drains land defined in RCW 84.34.020 as farm and agricultural land or as farm and agricultural conservation land.</p> <p>Agricultural drainage: any ditch, tile system, pipe or culvert primarily used to drain fields for horticultural or livestock activities.</p> <p>This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.</p>
Construction or maintenance of farm field access drive	A29	A29	A29	A29	<p>17. Allowed ((when)) for projects not performed under the direction of a government agency only if:</p> <p>a. the maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian areas, wetlands, or ((their)) associated buffers; and</p> <p>b. when maintenance, expansion, or replacement of bridges or culverts involves water used by salmonids:</p> <p>(1) the work ((is in compliance)) complies with ditch standards in public rule; and</p> <p>(2) the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet.</p> <p>29. Allowed ((Θ)) only on sites currently involved in the practice of agricultural activities if:</p> <p>a. in compliance with a farm management plan in accordance with K.C.C. 21A.24.051, and constructed using best management practices approved by the permitting division;</p> <p>b. there is no other feasible location with less adverse impact on critical areas and associated buffers;</p> <p>c. in compliance with the farmland dispersion requirements of the King County Surface Water Design Manual;</p> <p>d. access is located where it is least subject to risk from channel migration;</p> <p>e. a floodplain development permit is obtained for any action within</p>	<p>The substantive changes include:</p> <p>In the <u>definition</u> for farm field access drive:</p> <p>Limiting farm field access drives to include only those properties in the Azone, APD, or FPP and requiring the farm to be for commercial production. Non-commercial production farms and farms in the RA would be regulated as private driveways instead. Under current code, there is no definition.</p> <p>For construction of new farm field access drives:</p> <ul style="list-style-type: none"> Limited to sites "currently involved in the practice of agricultural activities" Requires that there is no other feasible location with less impact; Required to comply with the SWDM (this is already required, but is now called out here); Required to locate where there is least risk of channel migration; Requires a floodplain development permit if within the floodplain (this is already required, but is now called out here); and Requires all other state and federal permits to be obtained (this is already required, but is now called out here).

	<u>Alluvial Fan Hazard Areas</u>	Wetland and Buffer	<u>Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas</u>	<u>Wildlife Habitat Conservation Areas and Wildlife Habitat Networks</u>	Conditions	Policy Staff Comments
					<u>the floodplain; and</u> <u>f. all other required state and federal permits have been obtained and</u> <u>actions comply with such permits.</u>	<p>Under the current code, all that is required is a farm management plan.</p> <p>For <u>maintenance</u> of farm field access drives:</p> <ul style="list-style-type: none">• Under the current code, maintenance of a farm field access drive is treated the same as maintenance of driveways, private access roads, or parking lots, under 17. Those conditions prohibit the use of toxic substances, and when used by salmonids: complies with a ditch standard public rule, maintenance is limited to remove of sediment and stabilization or banks or channels. <p>29: As noted in the grading table, a grading permit is not required to construct a farm field access drive if constructed in compliance with a farm plan. Executive staff state “The King Conservation District (KCD) works with farmland owners/operators to understand management objectives and then creates a plan that supports those objectives while minimizing potential impacts to critical areas and critical area buffers. If plans will provide landowners/operators with certain benefits (e.g., regulatory flexibility, PBRS credit for agricultural land), the plans are reviewed and approved by DNRP. Implementation is generally KCD's responsibility, but if the landowner/operator received cost-share support from DNRP, then DNRP ensures the practices were implemented as designed.” Council may wish to consider whether administration and monitoring through KCD would be sufficient to ensure compliance with these standards. The Council may also wish to consider whether the County should approve all farm management plans.</p> <p>Council may wish to consider making the language in 29 consistent with the same type of conditions in 53 to 58. For example, this condition only requires there be agricultural activities on-site, while 53 and 54 require predominant use by agricultural activities.</p> <p>Council may want to include <u>expansion</u> of a farm field access drive.</p>

	<u>Alluvial Fan Hazard Areas</u>	Wetland and Buffer	<u>Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas</u>	<u>Wildlife Habitat Conservation Areas and Wildlife Habitat Networks</u>	Conditions	Policy Staff Comments
						<p>Council may want to include the maintenance conditions from 17 in 29, for maintenance activities.</p> <p>This new provision requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.</p>

Grading Exemptions

Code														Conditions	Policy Staff Comments
	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic ₂ Volcanic and Tsunami Hazard Area	((Volcanic Hazard))	((Steep Slope Hazard and Buffer)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((Buffer)) Riparian Area	Wildlife Habitat Area and Wildlife Habitat Network		
Agriculture															
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((NP))	NP	NP	NP	NP	NP		
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((NP))	NP	NP	NP	NP	NP		
Construction and maintenance of livestock manure storage facility	NP ((16)) 17	NP ((16)) 17	NP ((16)) 17	NP ((16)) 17	NP ((16)) 17		NP ((16)) 17	((NP 16))		NP ((16)) 17	NP ((16)) 17	NP ((16)) 17		17. Only if consistent with an adopted farm management plan in compliance with K.C.C. Title 21A.	<ul style="list-style-type: none">17: requires a farm management plan. Council may wish to add a reference or align this standard with the requirements in K.C.C. 21A.24.045, which includes requirements such as preserving native vegetation and installation of best management practices for new or expanded activities.A grading permit is required in landslide hazard areas under 40%, wildlife habitat networks, and wildlife habitat conservation areas.
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((NP 15))	NP 15	NP 15	NP 15	NP 15	NP 15	15. If used by salmonids, only in compliance with an adopted farm management plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by: a. The King Conservation District; b. King County department of natural resources and parks; c. King County department of local services, permitting division; or d. Washington state Department of Fish and Wildlife.	
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((NP 26))	NP 26	NP 26	NP 26	NP 26	NP 26	26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance activity is inspected by the: a. King Conservation District; b. department of natural resources and parks; c. department of local services, permitting division; or	

Code														Conditions	Policy Staff Comments
	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic, Volcanic, and Tsunami Hazard Area	((Volcanic Hazard))	((Steep Slope Hazard and Buffer)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((Buffer)) Riparian Area	Wildlife Habitat Area and Wildlife Habitat Network		
														d. Washington state Department of Fish and Wildlife.	
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((NP 15))	NP 15	NP 15	NP 15	NP 15	NP 15	15. If used by salmonids, only in compliance with an adopted farm <u>management</u> plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by: a. The King Conservation District; b. King County department of natural resources and parks; c. King County department of local services, permitting division; or d. Washington state Department of Fish and Wildlife.	
<u>Construction of farm field access drive</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>16. Only on sites with agricultural activities uses if:</u> <u>a. consistent with an adopted farm <u>management</u> plan in accordance with K.C.C. Title 21A((-));</u> <u>b. constructed using <u>best management practices</u> approved by the permitting division;</u> <u>c. access is not greater than fourteen feet wide;</u> <u>d. an alternate location is not available to provide less adverse impact on critical areas and associated buffers;</u> <u>e. in compliance with the requirements for farmland dispersion within the King County Surface Water Design Manual;</u> <u>f. located where it is least subject to risk from channel migration;</u> <u>g. a floodplain development permit is obtained for any action within the floodplain; and</u> <u>h. all other required state and federal permits have been obtained and actions comply with these permits.</u>	<ul style="list-style-type: none">• Construction of a private drive on a non-agricultural property would require a clearing and grading permit, whereas a permit is not required for a farm field access drive. Allowing new livestock manure storage facilities and farm field access drives, without a clearing and grading permit, in a wetland, wetland buffer, aquatic area, or riparian area could potentially introduce pollutants, new impervious surface or pavement, or environmental degradation in these critical areas. Under Ecology’s guidance, agricultural uses are considered to be high impact.” As proposed, these uses would only be allowed when an alternate location is not available to provide less adverse impact. The code does not identify a minimum distance or buffer for these uses, meaning that these uses could be located closer to an aquatic area or riparian area than grazing area buffers would allow for grazing animals. Whether or to require a clearing and grading permit, establish a maximum size exemption threshold, allow these uses in certain critical areas, or limit what portion of a critical area they could be located, are policy choices.• <u>16:</u> This condition applies to when farm field access drives are not required to obtain a grading permit. The criteria for this condition are similar, but not identical, to the criteria for farm field access drives in K.C.C. 21A.24.045. These could be made consistent for clarity.

Code														Conditions	Policy Staff Comments
	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic, Volcanic, and Tsunami Hazard Area	((Volcanic Hazard))	((Steep Slope Hazard and Buffer)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((Buffer)) Riparian Area	Wildlife Habitat Area and Wildlife Habitat Network		
															<ul style="list-style-type: none">16: Not requiring a grading permit for constructing a farm field access drives is a policy choice. There are no limitations on impervious surface, length, or area of a farm field access drive in regards to a permit exemption. Plans are created and administered by KCD. DNRP reviews these plans when there are certain benefits (such as PBRS) are sought. Council may wish to consider whether administration and monitoring through KCD would be sufficient to ensure compliance with these standards. The Council may also wish to consider whether the County should approve all farm management plans in order to receive this grading permit exemption.Executive state that "a provision could be added to Note 16 saying that no permit is needed if the new construction is under 2,000 square feet in area." <p>This new provision requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.</p>
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	17. Only if consistent with an adopted farm management plan in compliance with K.C.C. Title 21A.	

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
AGRICULTURAL ALLOWANCES – FARM MANAGEMENT PLANS – GRAZING AREA BUFFERS			
<p>K.C.C. 21A.06.XXX- New Section</p> <p><u>NEW SECTION. SECTION 13.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Commercial production of agricultural products: agriculture conducted by an operator who has done one or more of the following: A. Filed IRS Schedule F for a minimum of three years; B. Obtained and currently holds a United States Department of Agriculture Organic Certification producer certificate; or C. Enrolled, and remains in good standing, in the current use classification "Farm and agricultural land", under chapter 84.34 RCW.</p>	<p>Adds a new section to K.C.C. Chapter 21A.06 with a definition of “Commercial production of agriculture products.”</p>	<p>New definition of Commercial agriculture is proposed to be added to clarify which operations may receive certain allowances intended only for commercial operations (and not, for example, hobby farms). This definition formalizes existing internal guidance developed by DLS Permitting and the DNRP Agriculture and Forestry Team.</p>	<p>Policy Analysis:</p> <ul style="list-style-type: none">• This definition is only used once in the code as a method to provide additional context in another definition, “agricultural activities”.• The Council purposely did not define this term in 2017 when the agriculture code was reviewed and updated. It is unclear whether this internal guidance is consistent with that intent.• It is a policy choice whether to narrow the scope of commercial agriculture in this way.• It would also be out of scope of this ordinance if it is not related to a critical area regulation. <p><u>Executive staff state:</u> In 2017, Ordinance 18626 updated definitions for Agricultural Activities to include a reference to commercial production. Additionally, there are existing code flexibilities and special dispensations for agriculture uses and activities, such as the sizing of accessory structures (K.C.C. 16.02.240) and reduced permit fees (K.C.C. 27.02.055), that were intended for commercial farming and not hobby farms. In order to consistently identify commercial agriculture activities that qualify for code flexibility and special dispensation, Permitting and DNRP staff identified the need to establish criteria for what constitutes commercial production of agricultural products. Internal guidance was developed in 2021. For the purpose of regulating agricultural activities in the CAO, the proposed addition of a definition in Section 13 for commercial production codifies the internal criteria that have been used in practice since that time. Codifying this definition enhances transparency, aligns with</p>

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			current practice, and ensures consistent implementation. Adding the definition to other titles is not proposed at this time, as that would be out of scope for this ordinance.
<p>K.C.C. 21A.06.451 - Defines “Farm field access drive”</p> <p><u>SECTION 19.</u> Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby amended to read as follows:</p> <p>Farm field access drive: a((the)) <u>paved or</u> impervious ((surface constructed to provide a fixed)) route <u>or path used</u> for moving livestock, produce, equipment, or supplies to and from farm fields, and <u>farm structures for agricultural activities on a property that is within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A.</u></p>	<p>Updates definition to describe more specifically what a farm field drive access is.</p>	<p>The definition is proposed to be updated to align with BAS and intends to reduce risk of unmitigated riparian area impacts by limiting what and where a farm field access drive is.</p>	<p>Policy Analysis:</p> <ul style="list-style-type: none">• The restriction on where farm field access drives can be located (properties within an APD, enrolled in the FPP, or zoned A) is a regulation, rather than what defines a farm field access drive. As proposed, any path that would otherwise meet this definition but is outside of the APD, not enrolled in the FPP, or not zoned A would not be defined or may fall under another term. Council may wish to move the regulation into the standards section. <p>Q: What is the policy goal behind changes to the farm field access drive regulations?</p> <p>Exec staff state: The goal of these proposed changes is to continue to recognize and support a pathway for streamlined regulations for farm field access drives to support commercial agriculture while clarifying limitations and conditions that apply, reducing risk of unmitigated impacts, and preventing conflicts with other regulatory standards (e.g., flood code, stormwater code).</p> <p>Q: Under the Executive’s rationale under K.C.C. 21A.24.045, the description says: “(4) Farm field access drive conditions are proposed to be updated as part of Riparian BAS review to reduce ambiguity about where this condition applies as well as how/when the County allows an unmitigated impact to riparian areas and other critical areas.” Can you describe the</p>

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy StaffComments
			<p>existing ambiguity about where the condition applies?</p> <p>Exec staff state: Current condition 29 in K.C.C. 21A.24.045 (and related condition 16 in K.C.C. 16.82.051 which exempts farm field access drives from the requirement for a clearing and grading permit), only require consistency with an adopted Farm Management Plan and do not differentiate between commercial agriculture and hobby farms. Excepting construction of farm field access drives from a clearing and grading permit without conditions on size, location, and BMPs creates uncertainty and potential risk of unmitigated impact critical area functions and values. Additionally, the lack of cross references to other potentially applicable regulations (e.g., flood code, stormwater code) creates potential for other regulatory non-compliance issues. Amending Condition 29 to provide greater specificity on the conditions for construction farm field access drives helps to ensure no net loss of critical areas functions and values, as required by WAC 365.196.830.</p> <p>Q: What is the intent behind restricting the definition of farm field access drives to only farms in the APD, Azone, or FPP? Is the goal to prohibit farm field access drives anywhere else in the county that isn’t a APD, FPP, or A zone farm? Or was the intent to classify this use as a driveway anywhere else in the county? Put another way, if a paved path is used to move farm products is on a farm in the RAZone, what would they fall under?</p> <p>Exec staff state: The intent was to restrict the use of this condition in the code to the Azoned areas, APD, and FPP. Note that</p>

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			crit erion e in condition 16 refers to the requirement within the King County Surface Water Design Manual for farmland dispersion, which only applies within A zoning, APD, or FPP properties outside of the APD. Access roads in RAzoned areas would need to follow the road/driveway development standards associated with that development.
<p>K.C.C. 21A.06.XXX- New Section</p> <p><u>NEW SECTION. SECTION 23.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Grazing area buffer: a designated area contiguous to a wetland or aquatic area from which grazing livestock are excluded.</p>	Adds definition for “grazing area buffer.”	The existing K.C.C. uses the word “buffer” ambiguously, sometimes meaning critical area buffers, sometimes meaning grazing area buffers. This definition is proposed to be added to define grazing area buffers. Additionally, code standards are proposed to be clarified to say which apply to critical area buffers or riparian areas and which apply to grazing areas.	<p>Policy Analysis:</p> <ul style="list-style-type: none">• Please refer to the analysis for K.C.C. 21A.24.051 and K.C.C. 21A.30 for standards related to grazing area buffers. <p>No issues identified.</p>
<p>NOT INCLUDED IN PROPOSED ORDINANCE</p> <p>21A.06.700 Livestock, large. Livestock, large: cattle, horses, and other livestock generally weighing over 500 pounds. (Ord. 10870 § 180, 1993).</p> <p>21A.06.705 Livestock, small. Livestock, small: hogs, excluding pigs weighing under 120 lbs. and standing 20 inches or less at the shoulder which are kept as household pets or small animals, sheep, goats, miniature horses, llamas, alpaca and other livestock generally weighing under 500 pounds. (Ord. 10870 § 181, 1993).</p>	Not included in proposed ordinance	Not included in proposed ordinance	<p>Section Notes:</p> <ul style="list-style-type: none">• This section is not part of the proposed ordinance – it is included in this matrix for reference.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
<p>21A.06.707 Livestock heavy use area.</p> <p>Livestock heavy use area: an enclosure, typically constructed with footing material, such as gravel, used to keep grazing livestock off pasture from late fall through early spring or when pastures are grazed down to reduce soil erosion, protect water quality and improve pasture productivity, aesthetics and livestock health. (Ord. 17539 § 21, 2013).</p>			
<p>21A.06.708 Livestock manure storage facility.</p> <p>Livestock manure storage facility: an impoundment made by constructing an embankment, pit or structure for the purpose of temporarily storing manure, liquid or slurry manure, agricultural wastewater or other organic agricultural waste before agronomic use to facilitate nutrient management and protect water quality. (Ord. 17539 § 22, 2013).</p>			
<p>21A.24.051 Agricultural activities development standards.</p> <p><u>SECTION 42.</u> Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are hereby amended to read as follows:</p> <p>A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within ((the buffers of)) wetland((s)) <u>buffers, ((aquatic areas)) riparian areas,</u> and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30.</p> <p>B. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan.</p> <p>C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.</p> <p>D. <u>The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.</u> A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority:</p> <ol style="list-style-type: none">1. To maintain the productive agricultural land base and economic viability of agriculture on the site;2. To maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner;3. To the maximum extent practical in accordance with the site-specific goals of the landowner, maintain, and enhance natural hydrologic systems on the site;4. To use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan. <p>E. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall:</p> <ol style="list-style-type: none">1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program;2. Consider the priorities of the King County shoreline protection and restoration plan; and3. Ensure no net loss of shoreline ecological functions <u>and critical area functional and values.</u> <p>F. ((The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.))</p> <p>The plan shall include, but is not limited to, the following elements:</p> <ol style="list-style-type: none">1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and ((their)) <u>associated</u> buffers, and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading;4. A plan for implementation of performance standards and best management practices;5. A plan for monitoring the effectiveness of measures taken to protect critical areas and ((their)) <u>associated</u> buffers ((and to modify)).	<p>Technical changes regarding alterations and/or expansion within critical areas for agricultural activity uses with an approved farm management plan.</p>	<p>Changes to remove redundancy, improve clarity, and make consistent use of current terminology. Reorders existing content for more logical flow. Existing intent is retained.</p>	<p>Section Notes:</p> <ul style="list-style-type: none">• Farm management plans are required to be consistent with this section. Where livestock is farmed, farm management plans must also be consistent with K.C.C. 21A.30.045.• Farm management plans are created by the King Conservation District (KCD) and farm operators to meet individual farm management objectives and minimize impacts to critical areas. If the plans provide certain benefits, such as regulatory flexibility or PBRS credit, they are reviewed and approved by DNRP. <p>Policy Analysis:</p> <ul style="list-style-type: none">• The County has a public rule dating to 2005. The BAS report recommends an update to this public rule to clarify the review and approval process, ensure use of the most current best management practices, and support application of a monitoring and adaptive management framework. The BAS report indicates that the Executive plans to update the rule following the adoption of this proposed ordinance. Whether to defer the requirements of a Farm Plan to a public rule process, rather than adopted through ordinance adopted by the Council, is a policy choice. Whether to have KCD, a separate government from the County, implement and enforce the plans, is also a policy choice.

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<p><u>Modification to the farm management plan should occur</u> if adverse impacts ((see#)) <u>are identified</u>.</p> <p>G. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.</p> <p>H. A farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, ((which may be through a program offered or approved by King County,)) to verify that the plan is ((reasonably)) likely to accomplish the goals in subsection D. of this section and consistent with subsection E. of this section.</p> <p>I. ((Once approved, a))Activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, ((the department of local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action,)) the department of local services, permitting division, shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan.</p>																																			
<p>K.C.C. 21A.30.045 - Farm management plan requirements.</p> <p><u>SECTION 83.</u> Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045 are hereby amended to read as follows:</p> <p>A. To achieve the maximum density allowances using a livestock management component of a farm management plan, the plan must meet the following criteria:</p> <p>1. The plan is developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are consistent with all of the criteria of this section may substitute for a livestock management component of a farm management plan for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans must meet the requirements of K.C.C 21A.30.060;</p> <p>2. The plan includes site-specific management measures for minimizing nonpoint pollution from agricultural activities and for managing <u>wetland and aquatic areas</u> including, but not limited to:</p> <p>a. livestock watering;</p> <p>b. grazing and pasture management;</p> <p>c. confinement area management;</p> <p>d. manure management; and</p> <p>e. <u>exclusion of animals from aquatic areas ((and their buffers)), riparian areas, and wetlands and ((their)) associated buffers with the exception of grazed wet meadows.</u></p> <p>3. The plan is implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and</p> <p>4. A monitoring plan may be required as part of the livestock management component of a farm management plan to demonstrate that there is no significant impact to water quality and ((salmonid fisheries)) <u>fish</u> habitat. Monitoring results shall be available to the King County agriculture program.</p> <p>B. The livestock management component of a farm management plan shall, at a minimum:</p> <p>1. ((Generally s))<u>Seek to achieve a ((twenty-five-foot buffer of)): forty-foot-wide grazing area buffer including</u> diverse, mature vegetation between grazing areas and the ordinary high water mark of all type S and F aquatic areas and the wetland edge of any category I, II, or III wetland with the exception of grazed wet meadows((, using buffer averaging where necessary to accommodate existing structures)); <u>thirty-five-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the ordinary high water mark of all type N aquatic areas; and twenty-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the wetland edge of any category IV wetlands other than grazed wet meadows.</u> The livestock management component of a farm management plan((s)) may vary the width of the <u>grazing area</u> buffer ((of an aquatic area or wetland)), and the time and duration of animal exclusion throughout the year, according to guidelines agreed upon by King County and the King Conservation District. The guidelines may support a different <u>grazing area</u> buffer width based on both the nature of the farm operation and the function and sensitivity of the aquatic area or wetland. The plan must include best management practices that avoid having manure accumulate in or within ten feet of type ((N or)) O waters. ((Forested lands being cleared)) <u>Clearing of lands</u> for grazing ((areas)) shall comply with the <u>riparian area widths and critical area buffers and all applicable regulations</u> in K.C.C. chapter 21A.24;</p> <p>2. ((Assure)) <u>Ensure</u> that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands;</p> <p>3. Achieve an additional twenty((-foot buffer)) <u>feet of diverse, mature vegetation</u> downslope of any confinement areas within two hundred</p>	<p>(1) Changes references to "aquatic area buffers" to "riparian areas."</p> <p>(2) Changes term "salmonid" to "fish."</p> <p>(3) Updates standards for grazing area buffer including diverse, mature vegetation for type S and F aquatic areas category I, II, or III wetlands except grazed wet meadows from 25 feet or 40 feet, which can be modified by the livestock</p>	<p>(1) Amendments are proposed throughout the code to change term or reference to "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology.</p> <p>(2) Amendments are proposed throughout the code to change "salmonid" to "fish," where appropriate, to be consistent with King County's current protection of all fish species listed by WDFW, WA DNR and King County species of local importance, not just</p>	<p>Section Notes:</p> <ul style="list-style-type: none">This section addresses the livestock management component of a farm management plan. <p>Policy Analysis:</p> <ul style="list-style-type: none"><u>Wetland buffers and riparian areas</u> could be added to this subsection, as these are also areas that should be protected and are addressed in Subsection A.2.e.<u>Animals are allowed to graze in these critical areas</u> outside of the grazing area buffer. Council may wish to clarify this by including “except as otherwise allowed under this title”.<u>The grazing area buffers (the minimum distance between a critical area and a grazing area) are proposed to increase between 15 and 50 feet for most areas,</u> depending on the type or category of wetland or aquatic area and whether a farm management plan (FMP) is provided. The table below shows a simplified summary of the major changes. <table><tr><th>Type</th><th>FMP</th><th>Existing</th><th>Proposed</th></tr><tr><td colspan="4">RIPARIAN AREA</td></tr><tr><td>S or F</td><td>Yes</td><td>25 ft</td><td>40 ft</td></tr><tr><td>S or F</td><td>No</td><td>50 ft</td><td>50 ft</td></tr><tr><td>N</td><td>Yes</td><td>0 ft</td><td>35 ft</td></tr><tr><td>N</td><td>No</td><td>0 ft</td><td>50 ft</td></tr><tr><td>O</td><td>Y/N</td><td>0 ft</td><td>0 ft</td></tr><tr><td colspan="4">WETLAND BUFFER</td></tr></table>	Type	FMP	Existing	Proposed	RIPARIAN AREA				S or F	Yes	25 ft	40 ft	S or F	No	50 ft	50 ft	N	Yes	0 ft	35 ft	N	No	0 ft	50 ft	O	Y/N	0 ft	0 ft	WETLAND BUFFER			
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<p>feet of type S(and), F, and N waters. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if:</p> <p>a. a minimum buffer of ((twenty five)) forty feet of diverse, mature vegetation is achieved;</p> <p>b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and</p> <p>c. additional best management practices, as recommended by the King Conservation District, are implemented, and maintained; and</p> <p>4. Include a schedule for implementation.</p> <p>C. Any deviation from the manure management standards must be addressed in a livestock management component of a farm management plan.</p> <p>D. A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion.</p> <p>E. The farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040 and 20.22.080. Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035.</p> <p><u>F. Properties operating subject to an existing livestock management farm plan developed based on the standards in effect before the effective date of this ordinance shall be deemed to have satisfied the standards of this section.</u></p>	<p>managemen t component of a farm managemen t plan.</p> <p>(4) Updates the term "buffer" to "grazing area buffer."</p> <p>(5) Adds a standard for grazing area buffers including diverse, mature vegetation of 35 feet for type N aquatic areas, which can be modified by the livestock management component of a farm management plan.</p> <p>(6) Adds a standard for grazing area buffers including diverse, mature vegetation of 20 feet for category IV wetlands other than grazed wet meadows,</p>	<p>salmonids.</p> <p>(3) The existing code uses the term "buffer" ambiguously; the term "grazing area buffer" is proposed to be used where the code sets standards for the distance from a feature that grazing is excluded. This is different from critical area buffers, in which additional restrictions apply.</p> <p>(4)–(6) Increased grazing area buffer width provides greater protection of wetland buffer and riparian area functions while limiting the reduction of the amount of farmable lands.</p> <p>(7) Clarifies when the proposed standards in this section would apply.</p>	<table><tr><td>I, II, or III</td><td>Yes</td><td>25 ft</td><td>50 ft</td></tr><tr><td>I, II, or III</td><td>No</td><td>50 ft</td><td>50 ft</td></tr><tr><td>IV</td><td>Yes</td><td>0 ft</td><td>20 ft</td></tr><tr><td>IV</td><td>No</td><td>0 ft</td><td>25 ft</td></tr></table> <ul style="list-style-type: none">Although the buffers are proposed to increase in this proposed ordinance, they are significantly below the buffer widths recommended to achieve no net loss and therefore are depart from the County’s BAS. The BAS report states: “King County has high confidence that there is high risk to riparian-area functions over the long term because the areas between 50 feet and SPTH (approximately 200 feet) will lack protections” (page 96). The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that “King County employs a broad array of nonregulatory measures to protect critical areas and reduce risk to critical area functions and values” (page 96). A summary of nonregulatory measures is at the end of this document. Maintaining the program and buffer widths for livestock is a policy choice.The code identifies buffers as a goal, where plans should “seek to achieve” these buffers. Executive staff indicate that the changes “clarify the minimum benchmark to be applied to riparian areas.” The language is intended to reflect that the King Conservation District and the landowner develop the plan, they are tailored to the site, the County cannot require restoration for past development impacts, and mature vegetation may take substantial effort to achieve. As proposed, this language would not require a minimum buffer, and instead establish a target that could be lower or higher than the widths identified. This is not described in the BAS report in this manner; instead the BAS report treats	I, II, or III	Yes	25 ft	50 ft	I, II, or III	No	50 ft	50 ft	IV	Yes	0 ft	20 ft	IV	No	0 ft	25 ft
I, II, or III	Yes	25 ft	50 ft																
I, II, or III	No	50 ft	50 ft																
IV	Yes	0 ft	20 ft																
IV	No	0 ft	25 ft																

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	<p>which can be modified by the livestock management component of a farm management plan.</p> <p>(7) Adds provision stating that properties operating subject to an existing livestock management farm plan have met the standards in this section.</p>		<p>them as a minimum requirement.</p> <ul style="list-style-type: none">• It may be clearer to add back in language that the 20 feet is a buffer that is in addition to the existing grazing area buffer.• Council may wish to add a definition or more criteria for farm management plans, as they are not defined in the Code today. <p>This existing code requires that BMPs for confinement recommended by KCD be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowance would not apply to most farm plans.</p>
<p>K.C.C. 21A.30.060 - Animal regulations – Livestock management standards.</p> <p><u>SECTION 84.</u> Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060 are hereby amended to read as follows:</p> <p>Property owners with farms containing either large livestock at densities greater than one animal unit per two acres, or small livestock at densities greater than five animals per acre, or both, are not required to follow a ((an)) livestock management plan if the owners adhere to the management standards in subsections A. through G. of this section. This section applies only if farm practices do not result in violation of any federal, state, or local water quality standards.</p> <p>A. To minimize livestock access to aquatic areas, property owners shall utilize the following livestock watering options:</p> <p>1. The preferred option, which is a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the aquatic areas so that livestock are not required to enter aquatic areas for their water supply.</p> <p>2. Livestock access to type S ((and)), F, and N waters ((, including their buffers)) and riparian areas shall be limited to crossing and watering points that have been addressed by a crossing or watering point plan designed to Natural Resource Conservation Services or King Conservation District specifications that prevent free access along the length of the aquatic areas.</p> <p>a. Fencing shall be used as necessary to prevent livestock access to type S ((and)), F, and N waters.</p> <p>b. Bridges may be used, in accordance with K.C.C. chapter 21A.24, in lieu of crossings. Piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish flood carrying capacity. These bridges may be placed without a county building permit, but the permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits.</p> <p>B.1. Existing grazing areas not addressed by K.C.C. chapter 21A.24 shall maintain a ((vegetative buffer of fifty feet)) fifty-foot-wide grazing area buffer from the ((wetland)) edge of a category I, II ((or)), III, or IV wetland, except those wetlands meeting the definition of grazed wet meadows, or the ordinary high water mark of a type S ((or)), F, or N water, and a twenty-five-foot-wide grazing area buffer from the edge of a category IV</p>	<p>(1) Adds type N waters to aquatic area types to which livestock access standards apply.</p> <p>(2) Adds category IV wetlands to the wetland categories to which grazing area buffer standards apply.</p> <p>(3) Updates the term</p>	<p>(1) Type N waters flow into fish bearing streams and are proposed to be added to provide greater protection of riparian area functions while limiting the reduction of the amount of farmable land.</p> <p>(2) Category IV wetlands should be protected similarly to other wetland types from the</p>	<p>Section Notes:</p> <ul style="list-style-type: none">• This section addresses livestock on farms without a farm management plan. <p>Policy Analysis:</p> <ul style="list-style-type: none">• Although the buffers are proposed to increase in this proposed ordinance, they are significantly below the buffer widths recommended to achieve no net loss and therefore are depart from the County’s BAS. The BAS report states: “King County has high confidence that there is high risk to riparian-area functions over the long term because the areas between 50 feet and SPTH (approximately 200 feet) will lack protections” (page 96). The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that “King County employs a broad array of nonregulatory measures to protect critical

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<p>wetland except those wetlands meeting the definition of grazed wet meadows.</p> <p>2. ((Forested 1)) Lands being cleared for grazing areas shall comply with <u>the riparian area widths and</u> critical area buffers <u>and the associated regulations</u> in K.C.C. chapter 21A.24.</p> <p>3. The grazing area buffer may be reduced to twenty-five feet where a twenty-five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when ((forested)) lands are being cleared for grazing areas.</p> <p>4. Fencing shall be used to establish and maintain the <u>grazing area</u> buffer unless the buffer is otherwise impenetrable to livestock.</p> <p>5. Fencing installed in accordance with the ((1990 Sensitive Area Ordinance before February 14, 1994)) <u>standards in effect before January 1, 2005</u>, at setbacks other than those specified in subsection B.((1- and 2-)) of this section shall be deemed to constitute compliance with those requirements.</p> <p>6. Grazing areas within two hundred feet of a type S((or)), F, <u>or N</u> water or category I, II((or)), III, <u>or IV</u> wetland shall not be plowed during the rainy season from October 1 through April 30.</p> <p>7. Grazing areas may extend to the property line, provided that type S((or)), F, <u>or N</u> waters and category I, II((and)), III, <u>or IV</u> wetlands <u>that are located</u> adjacent to the property line are ((buffered)) <u>protected</u> in accordance with subsection B.1., 2., or 3. of this section.</p> <p>C.1. In addition to the buffers in subsection B.((1- and 2-)) of this section, confinement areas located within two hundred feet of any type S((or)), F, <u>or N</u> waters or category I, II((or)), III, <u>or IV</u> wetlands with the exception of grazed wet meadows shall:</p> <p>a. have a twenty-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and that may also include tree cover;</p> <p>b. not be located in ((the buffer of)) <u>a riparian area adjacent to</u> any type S((or)), F, <u>or N</u> water or any wetland buffer required by the critical areas ordinance in effect at the time the confinement area is built, or within fifty feet of the wetland edge of any category I, II((or)), III, <u>or IV</u> wetland or the ordinary high water mark of any type S((or)), F, <u>or N</u> water. Fencing shall be used to establish and maintain the buffer except where existing natural vegetation is sufficient to exclude livestock from the buffer((Existing confinement areas that do not meet these requirements shall be modified as necessary to provide the buffers specified in this section within five years of January 1, 2005, though the footprint of existing buildings need not be so modified)); and</p> <p>c. have roof drains of any buildings in the confinement area diverted away from the confinement area.</p> <p>2. Confinement areas may extend to the property line((;)) if aquatic areas and wetlands adjacent to the property line are buffered in accordance with ((K.C.C. this)) subsection C. of this section.</p> <p>D.1. Manure storage areas shall be managed as follows:</p> <p>a. Surface flows and roof runoff shall be diverted away from manure storage areas;</p> <p>b. All manure stockpiled within two hundred feet uphill of any the ordinary high water mark of a type S ((or)), F, <u>or N</u> water or the edge of a category I, II((or)), III, <u>or IV</u> wetland shall either be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or other facility designed to prevent leachate from reaching any aquatic area or wetland. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made;</p> <p>c. Manure shall not be stored in any ((aquatic area buffer)) <u>riparian area</u> or wetland buffer, with the exception of grazed or tilled wet meadows unless there is no other alternative on the property. Manure shall be stored in a location that avoids having runoff from the manure enter aquatic areas or wetlands. Manure piles shall not be closer than one hundred feet uphill from:</p> <p>(1) any wetland edge excluding grazed or tilled wet meadows;</p> <p>(2) the ordinary high water mark of any aquatic area; or</p> <p>(3) any ditch to which the topography would generally direct runoff from the manure; and</p> <p>d. The location may be reduced to no closer than fifty feet if the manure pile is part of an active compost system that is located on an impervious surface to prevent contact with the soil and includes a leachate containment system.</p> <p>2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.</p> <p>E. For purposes of this section, "buffer maintenance" means allowing vegetation in the <u>grazing area</u> buffer that provides shade for the aquatic area or acts as a filter for storm water entering the aquatic area, other than noxious weeds, to grow to its mature height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities permitted in accordance with K.C.C. chapter 21A.24, with the appropriate permits.</p>	<p>"vegetative buffer" to "grazing area buffer."</p> <p>(4) Clarifies that properties with existing fencing installed at distances other than those specified in this section for which livestock management farm plans have been developed are considered compliant if approved fencing is present for all type S and F aquatic areas.</p>	<p>impacts of livestock due to their importance for wildlife and water quality, although they are proposed to have a smaller grazing area buffer than the other categories.</p> <p>(3) The existing code uses the term "buffer" ambiguously; the term "grazing area buffer" is proposed to be used where the code sets standards for the distance from a feature that grazing is excluded. This is different from critical area buffers, in which additional restrictions apply.</p> <p>(4) Establishes when the proposed standards in this section would apply.</p>	<p>areas and reduce risk to critical area functions and values” (page 96). A summary of nonregulatory measures is at the end of this document. Maintaining the program and buffer widths for livestock is a policy choice.</p> <ul style="list-style-type: none">• “Existing grazing areas not addressed by K.C.C. chapter 21A.24” is intended to cover those areas without a farm plan. Council may wish to clarify this.• The proposed ordinance includes two grazing area buffer widths for Category IV wetlands. Executive staff indicate that the 25-foot grazing area buffer was intended. Council may wish to clarify the buffer width for a Category IV wetland.• Grazed wet meadows would not be subject to a grazing area buffer, which is a policy choice. Grazed wet meadows are defined as “an emergent wetland that has grasses, sedges, rushes or other herbaceous vegetation as its predominant vegetation and has been previously converted to agricultural activities.” Executive staff state that standard buffers and regulations from K.C.C. Chapter 21A.24 apply if any other alterations are proposed.• This existing provision would allow buffers to be reduced to 25 feet if “diverse, mature vegetation already exists” on properties without a farm management plan. This buffer would be lower than the buffers identified for properties with a farm management plan, meaning that the provisions would disincentivize property owners from obtaining a farm management plan. This provision could be removed to be consistent with the increased buffers proposed. Executive state they support removing this provision.

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<p>F. Properties ((that have)) <u>with</u> existing fencing ((already)) installed at distances other than those specified in these standards, and for which livestock management farm plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards((: Properties with or without a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005)), <u>provided approved fencing is present for all type S and F aquatic areas</u>.</p> <p>G. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.</p>			<p>It is unclear how these provisions would be applied within the shoreline jurisdiction. Council may wish to consider how address these standards in the shoreline jurisdiction.</p>