

## Part One – Administration

# Agriculture

### Agricultural activities in critical areas

*Reference CAO Sections 5, 137*

Agricultural activities are considered "alterations" under the critical areas regulations. How they are regulated depends upon the following factors:

- Whether the activity is currently existing or new. New includes existing activity that is expanding into a new area;
- The type of agricultural activity involved such as tilling the soil or grazing livestock;
- Whether the new activity will occur on lands defined as prior-cleared or lands defined as forested (*Section 137.D.54*);
- The type of critical area involved; and
- Whether or not the property has a farm plan approved to meet regulatory requirements.

### Existing agriculture activities

Existing agricultural activities that have been in "continuous existence" may continue without change in all critical areas. They may, however, be subject to other regulatory measures such as the federal Clean Water Act or federal and state regulations for the use of pesticides. Continuous existence includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states associated with horticultural and agricultural activities.

### New or expanding agriculture activities

The expansion of existing agricultural activities into critical areas and the establishment of agricultural activities on new lands or parcels are subject to the critical areas regulations in K.C.C. 21A.24 and the Livestock Ordinance in K.C.C. 21A.30. The specific regulation depends upon the type of agricultural activity and critical area involved.

See the following discussion for what is allowed in specific critical areas.

## Types of agricultural activities alterations

Reference CAO Sections 3, 39, 109 (K.C.C. 21A.06.1390), 137, K.C.C. 21A.06.695, .700, .705, .710

Agriculture is not a defined term in the code. However many agricultural activities are specifically listed on the allowed alterations table in the code under the heading agriculture. (*Section 137*) Activities listed under the heading include:

- Horticulture activity including tilling, disking, planting seeding, harvesting, preparing soil, rotating crops and related activity;
- Grazing livestock;
- Construction or maintenance of livestock manure storage facility;
- Construction or maintenance of livestock flood sanctuary;
- Construction or maintenance of agricultural drainage; and
- Construction or maintenance of farm pond, fish pond or livestock watering pond.

Other agricultural related activities on the chart include:

Construction or maintenance of a farm field access drive.

The alteration table also contains other activities, such as building a nonresidential structure or removal of noxious weeds that are not strictly limited to agriculture but may occur in an agricultural setting.

While the term agriculture is not defined in the code, some of the specific activities relating to agriculture are defined, including:

- Agricultural drainage (Section 3);
- Farm field access drive (Section 39);
- Grazed or tilled wet meadow (Section 109, K.C.C. 21A.06.1390);
- Livestock, large livestock, small livestock and livestock sales. (K.C.C. 21A.06.695, .700, .705, .710)

## Types of critical areas

New agricultural activities or the expansion of existing agricultural activities is allowed in the following critical areas if in compliance with the development standards for each critical area:

- Critical aquifer recharge area;
- Coal mine hazard area;
- Erosion hazard area;
- Flood hazard areas except in the severe channel migration hazard area;

- Landslide hazard area under 40% slope; and
- Volcanic hazard area.

New agricultural activities or the expansion of existing agricultural activities are only allowed if in compliance with general development standards and with special conditions in the following critical areas:

- Landslide hazard areas over 40% slope;
- Steep slope hazard areas;
- Wetland and wetland buffers;
- Aquatic area and aquatic area buffers;
- Severe channel migration hazard area; and
- Wildlife area and wild life network.

### **Critical area special agriculture alteration conditions**

*Reference CAO Section 137*

#### **Landslide hazard areas over 40% and steep slopes**

The following activities in "continuous existence" are allowed:

- Horticulture activities;
- Grazing livestock;
- Maintenance of farm pond, fish pond or livestock watering pond .

The following activities are not allowed:

- Livestock manure storage facilities;
- Livestock flood sanctuaries; and
- Construction of agriculture drainage.

The following activities are allowed if in compliance with an approved farm management plan:

- Maintenance of agriculture drainage is allowed if the drainage is used by salmonids; and
- Construction of a farm field access drive .

#### **Wetlands and wetland buffers**

The following activities in "continuous existence" are allowed:

- Horticulture activities;
- Grazing livestock;

- Maintenance of livestock manure storage facility;
- Maintenance of agricultural drainage; and
- Maintenance of farm pond, fish pond or livestock watering pond .

The following new activities may locate in wetland buffers or in tilled or grazed wet meadows if there is an approved farm plan and the conditions listed below are met:

- Horticulture activities;
- Grazing livestock;
- Construction of livestock manure storage facility;
- Maintenance of agricultural drainage; and
- Maintenance of farm pond, fish pond or livestock watering pond .

The following conditions also apply:

- The entire site that includes the wetland buffer is predominantly involved in the practice of agriculture;
- All of the best management practices identified in the approved farm plan are installed and maintained; and
- The area that the agriculture activity is expanding into was not cleared as a result of a Class I, II, III or IV-S forest practice, permit, or is not more than 10,000 square feet and the vegetation cover consists of trees at a density of more than 90 trees per acre where the predominant diameter of the main stem is at least 4 inches as measured at breast height. This condition does not apply to crops managed for pulpwood, Christmas trees or ornamental nursery stock.
- Construction of livestock manure storage facility may occur in a grazed or tilled wet meadow if there is no other feasible alternative location available on the site and the facilities are located to the maximum extent practical as close to the outside edge of the buffer.

A farm field access drive may be constructed if in compliance with an approved farm plan.

Residential or nonresidential agricultural structures may locate in a tilled or grazed wet meadow if:

- The site is predominately used for agriculture;
- All of the best management practices identified in an approved farm plan or installed and maintained; and
- The location of the structure meets one of the following criteria:
  1. The structure is located in an area not used for crop production that is on or adjacent to existing impervious surface areas and no new impervious surface area is created closer to the wetland than the existing impervious area;

2. The structure is higher in elevation than the existing structures and no closer to the wetland than the existing structures; or
3. The structure is at a site that is determined to be the optimum site in an approved farm management plan.

### **Aquatic areas and buffers and severe channel migration areas**

The following activities in "continuous existence" are allowed:

- Horticulture activities;
- Grazing livestock;
- Maintenance of livestock manure storage facility;
- Maintenance of agricultural drainage; and
- Maintenance of farm pond, fish pond or livestock watering pond.

The following new activities may locate in aquatic area buffers or in severe channel migration hazard areas if there is an approved farm plan and the conditions listed below are met:

- Horticulture activities;
- Grazing livestock;
- Construction of livestock manure storage facility;
- Maintenance of agricultural drainage; and
- Maintenance of farm pond, fish pond or livestock watering pond.

The following conditions also apply:

- The entire site that includes the aquatic area buffer is predominantly involved in the practice of agriculture;
- All of the best management practices identified in the approved farm plan are installed and maintained; and
- The area that the agriculture activity is expanding into was not cleared as a result of a Class I, II, III or IV-S forest practice permit, or is not more than 10,000 square feet and the vegetation cover consists of trees at a density of more than 90 trees per acre where the predominant diameter of the main stem is at least 4 inches as measured at breast height. This condition does not apply to crops managed for pulpwood, Christmas trees or ornamental nursery stock.
- Construction of livestock manure storage facility may occur in a severe channel migration hazard area only if there is no other feasible alternative location available on the site and the facilities are located where it is least subject to risk from channel migration.

A farm field access drive may be constructed if in compliance with an approved farm plan.

Non-residential agricultural structures may be located in the severe channel migration portion of an aquatic area buffer only if:

- No other feasible alternative location is available on the site;
- The structure is located where it is least subject to risk from channel migration;
- The structure is not used to house animals or store hazard substances; and
- The total footprint of all accessory structures that are located in the severe channel migration hazard area will not exceed the greater of 1,000 square feet or 2% of the severe channel migration hazard area that is located on the site.

### **Wildlife habitat conservation areas and wildlife habitat network**

The following activities in "continuous existence" are allowed:

- Horticulture activities;
- Grazing livestock;
- Maintenance of livestock manure storage facility;
- Maintenance of agricultural drainage; and
- Maintenance of farm pond, fish pond or livestock watering pond .

The following new activities may locate in wildlife habitat conservation areas and wildlife habitat networks if there is an approved farm plan and the conditions listed below are met:

- Horticulture activities;
- Grazing livestock;
- Construction of livestock manure storage facility;
- Maintenance of agricultural drainage; and
- Maintenance of farm pond, fish pond or livestock watering pond .

The following conditions also apply:

- The entire site that includes the wildlife habitat conservation area and wildlife habitat network is predominantly involved in the practice of agriculture;
- All of the best management practices identified in the approved farm plan are installed and maintained; and
- The area that the agriculture activity is expanding into was not cleared as a result of a Class I, II, III or IV-S forest practice permit, or is not more than 10,000 square feet and the vegetation cover consists of trees at a density of more than 90 trees per acre where the predominant diameter of the main stem is at least 4 inches as measured at breast height. This condition does not apply to crops managed for pulpwood, Christmas trees or ornamental nursery stock.

A farm field access drive may be constructed if in compliance with an approved farm plan.

Non-residential agricultural structures may be located in the wildlife habitat conservation area and wildlife habitat network if no clearing, external construction or other disturbance occurs in the wildlife habitat conservation area and wildlife habitat network during breeding seasons established under Section 198.

## **Farm Management Plans**

*Reference CAO Section 138*

Farm Management Plans are one of several options for landowners to achieve the goals of the Critical Areas Ordinance.

- Farm plans are obtained from:

King Conservation District (KCD)  
935 Powell Avenue SW  
Renton, Washington. 98055  
Phone (425) 277-5581

The KCD develops and approves a farm plan according to the planning process, standards, and best management practices in the Field Office Technical Guide as written by the Natural Resources Conservation Service (NRCS) and modified to reflect resource conditions of northwest Washington. The process is designed and conducted to simultaneously address the needs of the agricultural operation and the needs for resource protection on a specific site.

- In the event that the KCD is unable to provide services to a landowners, the landowner may obtain an alternate agricultural plan from:

Department of Natural Resources and Parks  
King Street Center  
201 South Jackson Street,  
Seattle, WA. 98104  
Phone (206) 296-7800

## **When farm plans are required**

Farm plans related to this code are only required if a landowner:

- Needs to conduct a new activity that is permitted in Section 137 only in compliance with an approved farm plan. Examples include removing sediment and vegetation from agricultural drainage that contain fish, locating a structure in a wetland or stream buffer, expanding horticulture into an area that was legally cleared but is now considered to be in a regulated buffer;
- Chooses to conduct a regulated activity according to the practices and conditions developed through the farm planning process instead of according to the practices and conditions otherwise described in the code;
- Wants to avoid the costs and time of the permit process for activities that may be implemented according to the specification or practices of a farm plan;
- Wants the advantages of the "small site drainage review process" for large agricultural structures that may otherwise require full drainage review related to a county building permit; or
- Has received an order to implement a farm plan as the result of an enforcement case under the Water Quality Ordinance or the Livestock Management Ordinance.

Farm plans are not required if the landowner chooses to meet the regulatory buffer standards in the code or to use the permit process to obtain an alteration exception or reasonable use exemption.

### **Voluntary farm plans**

Farm plans developed and approved by the KCD are voluntary. They should be used by landowners who want to improve management of their land, water, animals, crops, pests, etc. Farm plans may be required to obtain federal, state or local funding to implement practices that will improve an agricultural operation. Farm plans with their scientifically-backed standards and landowner focused planning process are sometimes recognized by government as the most appropriate tool for agricultural landowners to achieve regulatory goals or outcomes. For example, a Dairy Nutrient Management Plan – a type of farm plan – is required for dairies of a certain size as a tool to meet state water quality standards.

In the farm planning process, the landowner and farm planner identify the best combination of practices to meet the operational needs of the farming operation and to meet code standards. Implementation schedules, funding sources and realities are included in the process. Results are monitored and strategies are altered until the goals are met.

### **Required farm plans**

The KCD will develop farm plans that are to be used for regulatory purposes in the same way as voluntary farm plans – all approved to NRCS standards. The farm plans that landowners submit to the county for the benefits of alternative treatment under the standard regulations, may differ from voluntary farm plans in following ways:



- The portions of the farm plan that relate to the activity that is regulated under the code must be implemented as approved by the KCD and not revised in significant ways;
- The county may confirm the implementation of the farm plan at some point in the future if needed;
- If an agricultural structure is allowed in a buffer, future landowners must know that it is contingent upon the property being in agriculture and the farm plan implemented, and may not be used or expanded for non-agricultural uses.

Farm plans developed after 1992 and farm plans developed to meet the criteria of the livestock management ordinance are valid for existing activities. They may need to be amended should the landowner want to expand agriculture into new areas of the property, build roads, build structures that require a permit, or undertake drainage maintenance or any other activity in a critical area that is permitted by code only in compliance with an approved farm plan.

A KCD approved farm plan registered with the county is required for an agricultural landowner to conduct the following activities (no permit is needed):

- Installing a field access road, including a bridge for a livestock crossing over certain sizes of streams in certain locations, in critical area buffers and in tilled or grazed wet meadows;
- Building a covered manure compost shed of less than 240 sq ft in aquatic area and wetland buffers, grazed or tilled wet meadows, and fish and wildlife habitat conservation areas;
- Maintaining drainage functions in agricultural waterways (a state HPA may be needed); and
- Installing confinement areas of specified materials, depths and area in aquatic area and wetland buffers, grazed or tilled wet meadows, and fish and wildlife habitat conservation areas.

If the field access road, manure compost shed, drainage maintenance activity, confinement area – or other practice as identified – cannot be installed or conducted according to the conditions recommended by the farm plan process, the KCD will send the landowner to the county to proceed with the regular permit process.

A KCD approved farm plan registered with the county is required if an agricultural landowner proposes to conduct the following activities that also require a permit:

- Siting an agricultural structure over 240 square feet in an aquatic area or wetland buffer, a grazed or tilled wet meadow, or a fish and wildlife habitat conservation area (otherwise precluded unless accepted through a variance or reasonable use process);
- Siting a residence in a grazed or tilled wet meadow (otherwise precluded without going through the reasonable use process succeeds).

## Planning What is a Farm Plan?

A farm plan is a document developed by your Conservation District and you, the farmer or landowner. It is a series of actions developed to meet a farmer's goals while protecting water quality and the natural resources. Some of the things considered in a farm plan are farm size, soils type, slope of the land, proximity to streams or water bodies, type of livestock or crops, the farmer's goals, resources such as machinery or buildings and finances available. An important point to remember is you don't have to be a commercial operation to have a farm plan developed for you - the King Conservation District works with farms of all sizes, from backyard horse owners to dairy and beef operations!

First, the Conservation District will address potential water quality concerns by suggesting changes that may be made. Possible examples include streamside fencing, gutters and downspouts and manure management techniques. Then the Conservation District will look at other changes that can be made to improve farm productivity and reduce the impact on the natural resources. Some examples here include pasture renovation, weed management techniques, creating sacrifice areas, cross fencing, and pasture restoration of livestock. The Conservation District offers technical assistance on questions such as what grasses to plant, how to build a fence and when to mow.

The suggestions made by the Conservation District are reviewed by the farmer. Together they develop a plan and schedule for accomplishing the changes they decide on. The farmer may decide to act on some of the changes in the first year and others in coming years - farm plans often

include work over a number of years. Once the farmer and the Conservation District have made their decisions, a tentative implementation schedule is set and their plans are recorded. One copy is kept with the farmer and one is kept on record with the Conservation District. Revisions of the plan can be made as the goals and needs of the farmer change.

Another important point is that all services provided by the KCD are free and without obligation. The King Conservation District is a non-regulatory, non-enforcement Municipal Corporation of the State of Washington supported by grants and a conservation assessment. It is charged with the duties of protecting the soil and water of King County, particularly as it relates to farming and animal keeping practices, through technical assistance and education.

A farm plan may assist you in meeting the requirements of King County's Livestock Management Ordinance. The Ordinance was passed by the King County Council in 1994 with enforcement commencing on January 1, 1999. It requires livestock owners in King County to meet certain management standards, which will result in an improved environment within the county. Additional information about

the Ordinance may be found on the Livestock Programs page of the King County website.

If you would like to help your farm become a better place for you, your animals and the environment contact the Conservation District at (206) 764 3410 and talk to a farm planner.

