12/13/93 Clerk 93-840.amd Introduced by: PHILLIPS, SIMS
BARDEN, SULLIVAN

Proposed No.:

93-840

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ORDINANCE NO. 11168

AN ORDINANCE revising the standards for management of livestock as set out in the new zoning code; initiating programs in support of livestock waste management; amending Ordinance 10870, Sections 532, 533 and 534 and K.C.C. 21A.30.040, .060 and .070; and adding new sections to K.C.C. chapter 21A.30.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. A new section is added to K.C.C.

21A.30 to read as follows:

following requirements:

Animal regulations-livestock - Purpose.

The primary purpose of the following sections is to support the raising and keeping of livestock in the county in a manner that minimizes the adverse impacts of livestock on the environment particularly with regard to their impacts on water quality and salmonid fisheries habitat in King County watersheds. Maintaining and enhancing the viability of fisheries, livestock-raising and farming are essential to the long-term economic vitality, recreation opportunities and quality of life in rural and resource lands of King County. The following sections establish regulations which set livestock densities and require implementation of best management practices for minimizing non-point pollution from livestock in a manner that recognizes the need for integrated resource management within King County watersheds. They are intended to be consistent with livestock welfare; however, these concerns are more appropriately addressed through K.C.C. 11.04.

SECTION 2. Ordinance 10870, Section 532 and K.C.C. 21A.30.040 are each hereby amended to read as follows: Animal regulations-livestock - Densities.

The raising, keeping, breeding or fee boarding of livestock are subject to K.C.C. 11.04, Animal Control Regulations, and the

- A. The minimum ((site which may be used to accommodate livestock shall be 35,000 square feet)) lot size on which large livestock may be kept shall be 20,000 square feet, provided that the amount of site area available for use by the livestock may be less than 20,000 square feet and provided further that the portion of the total ((site)) lot area used for confinement or grazing meets the requirements of this section.
 - B. The maximum number of livestock shall be as follows:
- 1. Commercial dairy farms ((covered by the Washington State Department of Ecology NPDES system; either through a general or special permit)) in full compliance with a Washington State Department of Ecology NPDES general or special use permit as consistent with the permit requirements.

 Otherwise, paragraph 3 applies. Commercial dairies shall have 5 years from the adoption of this ordinance to either comply with the state permit requirements or come into compliance with this ordinance.
- ((Stables with covered arenas, for which farm management-plans are implemented and maintained such that pasture and paddock use does not exceed the equivalent of 3 animals per acre on a full time basis, up to 6 resident horses per acre,)) Six resident animal units per gross acre in stables, barns and other livestock operations with covered confinement areas, provided that no more than three animal units per gross acre are allowed to use uncovered grazing or confinement areas on a full time basis, and the standards in K.C.C. 21A.30.060 are met or a farm management plan is implemented and maintained pursuant to this ordinance; provided further that higher densities may be allowed subject to the conditional use permit process to confirm compliance with the management standards. This conditional use permit process is not required for existing operations which operate with higher densities, provided the standards in this ordinance are met or a farm management plan is implemented for such operations.

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- For all large livestock not covered by paragraph 3. (a) 1. and 2. above, three animal units per gross acre of vegetated site area, provided that the standards in K.C.C. 21A.30.060 are met or a farm management plan is implemented and maintained pursuant to this ordinance.
- if paragraph (a) is not met, one ((horse, cow, or (b) similarly sized)) animal unit (((excluding-any-young under-6 months of age))) per two acres of ((fenced-grazing)) vegetated area, provided that the standards for storage and handling or manure, as set out in Section 3D of this ordinance, are met;
- ((4. For small-livestock, five of each or any combination (excluding sucklings) per one acre of fenced pasturage, or five per one-half acre of total site area if management requirements in K.C.C. 21.30.060 below are met.))
- 4. For purposes of these regulations, an animal unit shall consist of one adult horse or bovine, two ponies, five small livestock, or equivalent thereof (excluding sucklings), provided that miniature horses and feeder calves (up to one year of age) shall be considered small livestock.
- 5. The 1990 sensitive areas ordinance exemption from the fencing requirements for the Snoqualmie river floodplain shall continue in effect, provided that farm management plans which minimize livestock impacts on the Snoqualmie river are implemented for properties in the floodplain.

NEW SECTION. SECTION 3. A new section is added to K.C.C. 21A.30 to read as follows: Animal regulations-livestock - FARM MANAGEMENT PLANS.

- To achieve the maximum density allowances using a farm management (conservation) plan, the plan must be developed according to the following criteria:
- The plan must be developed by ((an interdisciplinary (ID) team, as provided for in this ordinance)) the King Conservation District, unless the Livestock Oversight Committee certifies other qualified persons or companies to prepare such plans.

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- 2. The plan shall require site-specific management measures for minimizing non-point pollution from agricultural activities including but not limited to:
- a. livestock watering, wetland and stream corridor management;
 - b. grazing and pasture management;
 - c. confinement area management
 - d. manure management
- 3. The plan shall be implemented within a timeframe ((set by the ID team)) established in the plan and maintained such that non-point pollution attributable to livestock-keeping is minimized ((to the fullest extent scientifically possible)).
- 4. A monitoring plan shall be developed ((by the ID team)) as part of the farm management plan, and implemented to demonstrate no significant impact to water quality and salmonid fisheries habitat. Monitoring data shall be available to ((members of the ID team and)) the Livestock Oversight Committee.
 - B. Farm management plans (FMPs) shall, at a minimum:
- 1. ((Achieve)) Generally seek to achieve a 25 foot buffer of diverse, mature vegetation between grazing areas and the ordinary high water mark of all class 1 and 2 streams and any naturally occurring pond and the wetland edge of any class 1 or 2 wetland on the site, using buffer averaging where necessary to accommodate existing structures. No buffer for class 1 or 2 streams shall be less than 10 feet. The plan must include best management practices which avoid having manure accumulate in or within 10 feet of class 3 streams; provided that forested lands being cleared for grazing areas shall comply with the sensitive areas ordinance setbacks for class 1, 2 and 3 streams and class 1 and 2 wetlands.
- 2. Assure that drainage ditches on the site do not channel animal waste to such streams and wetlands.
- 3. Achieve an additional 20 foot buffer downslope of any confinement areas within 200 feet of class 1 and 2 streams.

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This requirement may be waived for existing confinement areas on lots of 2.5 acres or less in size if

- A minimum buffer of 25 feet of diverse, mature vegetation is achieved;
- Manure within the confinement area is removed daily during the winter season (October 15 to April 15), and stored per K.C.C. 21.A.30.060D;
- c. Additional BMPs, as recommended by the ((ID) team)) KCD, are implemented and maintained.
 - Include a schedule for implementation.
- A copy of the final plans shall be provided to the clerk of the council within 60 days of completion. ((The plan shall be considered complete when all members of the ID team are satisfied with it, and sign the plan so indicating.))
- The completed plan may be appealed to the zoning and subdivision examiner pursuant to the provisions of K.C.C. 20.24.080. The appeal must be filed within 30 days of being received by the clerk. Appeals may be filed only by the property owner or four members of the Livestock Oversight Committee. Any plan not appealed shall constitute primae facie evidence of compliance with the regulatory provisions of K.C.C. 8.12.035

SECTION 4. Ordinance 10870, Section 533 and K.C.C. 21A.30.060 are each hereby amended to read as follows: Animal regulations-livestock - MANAGEMENT STANDARDS. alternative to a farm management plan, any property owner may implement the following management standards for any site which is used or proposed to be used to accommodate large livestock at-densities greater than 1 animal per 2 acres, and small livestock at densities greater than 5 per acre.) Property owners with farms containing large livestock at densities <u>greater than 1 animal unit per 2 acres, and/or small livestock</u> at densities greater than 5 animals per acre are not required to follow a FMP if said owners adhere to the following management standards. This section shall apply as long as farm

practices do not result in violation of any federal, state or local water quality standards.

A. <u>Livestock watering</u>, <u>wetland</u> and <u>stream corridor</u> management.

To minimize livestock access to streams, property owners shall utilize the following livestock watering options:

- 1. The preferred option shall be a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the stream so that livestock are not required to enter streams for their water supply.
- 2. Livestock access to <u>class 1 and 2</u> streams and their buffers shall be limited to stream crossing and watering points which have been addressed by a crossing or watering point plan designed to SCS/KCD specifications which shall prevent free access along the length of the stream<u>s((+))</u>.
- a. Fencing shall be used as necessary to prevent livestock access to class 1 and 2 streams.

<u>b.</u> Bridges may be used in lieu of stream crossings, provided that 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 the flood carrying capacity of the stream; these bridges may be placed without a county building permit, provided that such permit waiver shall not constitute any assumption of liability of 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((; and)).

B. Grazing and pasture management

1. Existing ((G))grazing areas not addressed by K.C.C. 21A.24 shall maintain a vegetative buffer of ((25)) 50 feet from any naturally occurring pond, wetland edge of a class ((For II)) 1 or 2 wetland, (except those wetlands meeting the definition of grazed wet meadows) or the ordinary high water mark of a class ((For II)) 1 or 2 stream.

	<u>2</u>	•	Fores	sted	lands	bein	g clea	ared	for q	razing ar	<u>eas</u>
shall	com	ply	with	n the	sens	<u>itive</u>	area	ordi	.nance	setbacks	for
class	1.	2 a:	nd 3	stre	ams,	and c	lass	1 and	l 2 we	tlands.	

- 3. The grazing area buffer may be reduced to 25 feet

 ((as part of a county permit issued following an

 Interdisciplinary Team review or where a 25 foot buffer of

 diverse, mature vegetation already exists. This buffer

 reduction may not be used when forested lands are being cleared

 for grazing areas.
- 4. ((If the buffer does not contain vegetation sufficient for bank stability and biofiltration, f)) Fencing ((or timed rotational grazing)) shall be used to establish and maintain the buffer.
- 5. Fencing installed pursuant to the 1990 SAO prior to the effective date of this section at setbacks other than those specified in paragraphs 1 and 2 shall be deemed to constitute compliance with those requirements.
- 6. Grazing areas within 200 feet of a class 1 or 2 stream or wetland shall not be plowed during the rainy season (October 1 through April 15).
- 7. Grazing areas may extend to the property line,
 provided that class 1 or 2 streams and wetlands adjacent to the
 property line are buffered in accordance with K.C.C.
 21A.30.060.B1, B2 or B3.

C. Confinement area management

- 1. In addition to the buffers in Section B.1. and B.2. above, confinement areas located within 200 feet of any class 1 or 2 streams, wetlands or drainageways shall:
- a. Have a 20 foot wide vegetative filter strip

 downhill from the confinement area, consisting of heavy grasses
 or other ground cover with high stem density and which may also
 include tree cover.
- b. Not be located in any class 1 or 2 stream or wetland buffer area required by the sensitive areas ordinance in effect at the time the confinement area is built, or within

50 feet of any naturally occurring pond, wetland edge of any class 1 or 2 wetland or the ordinary high water mark of any class 1 or 2 stream. Fencing shall be used to establish and maintain the buffer. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of this section provided further that the footprint of existing buildings need not be so modified;

- c. Have roof drains of any buildings in the confinement area diverted away from the confinement area.
- 2. Confinement areas may extend to the property line, provided that streams and wetlands adjacent to the property line are buffered in accordance with K.C.C. 21A.30.060.C.1.
 - D. Manure Management
- 1. Manure storage areas shall be managed as follows:
 a. Surface flows and roof runoff shall be diverted
 away from manure storage areas.

b. During the winter months (October 15 to April 15), all manure stockpiled within 200 feet uphill of any class 1 or 2 stream or wetland, shall be covered during the winter months (October 15 to April 15) in a manner that excludes precipitation and allows free flow of air to minimize fire danger; or, in the alternative, shall 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 streams or any class 1 or 2 wetlands. 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.

c. Manure shall be stored in a location that avoids having runoff from the manure enter streams or wetlands.

Manure piles shall not be closer than 50 feet uphill from any wetland edge, the ordinary high water mark of any stream, or

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d. There shall be no uncovered storage of manure ((, shaving or similar organic)) material closer than 45 feet to any dwelling unit or accessory living quarters.

- 2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.
- E. Noxious weeds. None of these standards shall preclude the removal of noxious weeds, provided that such removal is achieved without the use of chemicals or mechanical methods which would be damaging to stream banks or other vegetation in the buffer.
- F. For purposes of this ordinance, "buffer maintenance" means allowing vegetation in the buffer which provides shade for the stream or acts as a filter for storm water entering the stream, other than noxious weeds, to grow to its mature height; provided that grasses in the buffer may be moved but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities permitted pursuant to the sensitive areas ordinance, with the appropriate permits.
- G. Properties which have existing fencing already installed at distances other than those specified in these standards, and for which farm management plans have been developed based on the existing fencing locations shall be deemed to be in compliance with the fencing requirements of these standards.
- H. Buffer areas shall not be subject to public access, use or dedication by reason of the establishment of such buffers.

NEW SECTION. SECTION 5. A new section is added to K.C.C. 21A.30 to read as follows:

- Animal regulations-livestock building setback requirements.
- The following setback requirements apply to the keeping of livestock:

- 1. Any building used to house, confine or feed livestock shall not be located closer than 10 feet to any boundary property line or 35 feet to any residence existing when the livestock structure is built, and shall be increased to 100 feet for any building used to house, confine or feed swine;
- 2. Any building used to house, confine or feed livestock shall not be located closer than 35 feet to any dwelling unit or accessory living quarters on the same premises, except that a barn or stable may contain a caretaker's accessory living quarters;
- B. In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a resident on the subject property; and
- C. A barn or stable may contain a caretaker's accessory living quarters.

NEW SECTION. SECTION 6. A new section is added to K.C.C. 21A.30 to read as follows:

Animal regulations-livestock- Livestock oversight committee.

- A. Within 90 days of adoption of this ordinance, King County shall establish a Livestock Oversight Committee comprised of representatives from county, state and federal agencies with expertise in the area of water quality and habitat impact of livestock, affected tribes, commercial and hobby farms, consumers and the environmental community. The Livestock Oversight Committee shall have a maximum of eleven members.
 - B. The Livestock Oversight Committee shall:
- 1. Oversee funding mechanisms and recommend to the county council funding schedules for programs that implement and evaluate the effectiveness of farm management plans and management standards, including but not limited to implementation assistance funding, education and monitoring, as provided for in this ordinance;

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- Monitor and review farm management plans, by 2. watershed basin, for consistency with the objectives of this ordinance;
- Provide guidance regarding changes required to ensure that goals of this legislation are being met;
- Review the efficacy of ((current)) new performance standards and management measures, and determine how and where they could best be applied in King County; and
- Provide a link between government experts and the livestock owners who must implement this legislation.
- 6. Certify the use of experts to prepare farm management plans, if a property owner chooses not to work with the King Conservation District.
- 7. Recommend to the District the use of additional expertise such as fisheries biologists in the development of farm management plans.
- The Livestock Oversight Committee shall be provided ((a professional facilitator))professional staff and experts in the field to ensure that the best information is available to King County Council as the elements of the livestock density legislation are implemented, and shall be staffed by the cooperative extension office.
- SECTION 7. Livestock management assistance funding. The livestock oversight committee shall, within 180 days of adoption of this ordinance, make recommendations to the metropolitan King County council as to the need for additional funding mechanisms to support the work of the committee, ((the ID teams,)) implementation of livestock management techniques, and livestock waste management solutions.
- King County shall utilize as high a percentage of any funds available as possible to ((assist)) provide cost-sharing assistance to farmers in implementation of farm management plans (per K.C.C. 21A.30.050) ((or management standards (per K.C.C. 21A.30.060))). The amount to be used for implementation shall be determined by the Livestock Oversight Committee and

approved by the metropolitan King County council. Assistance to farmers should be allocated to encourage early implementation, by providing greater support to farmers who participate in the first years of the program, and less support in the out years. If follow-up monitoring or a complaint indicates that enforcement procedures are required, and it is determined that farm management plans ((or management standards)) have not been implemented, funding will be withdrawn and repayment required.

<u>NEW SECTION. SECTION 8.</u> A new section is added to K.C.C.
21A.30 to read as follows:
Animal regulations-livestock - Monitoring.

- A. Monitoring is a critical element in the evaluation of the effectiveness of farm management practices in minimizing non-point pollution in streams and wetlands. Within 180 days of adoption of this ordinance, ((King-County)) the Livestock Oversight Committee shall develop and implement a management practice monitoring strategy, with the assistance of ((KCD/SCS)) the King Conservation District. Soil Conservation Service, the metropolitan services department/water quality division, the surface water management division and affected Tribes.
- B. King County shall utilize a percentage of any funds raised by one of the mechanisms developed pursuant to section 6 to monitor farm management plans and management standards, to provide information regarding the efficacy of the management measures being implemented. This information shall be used to demonstrate the value of such plans to other farmers, and shall be reported to the Livestock Oversight Committee, for use in development of improved standards for the livestock density legislation.
- C. Both the livestock oversight committee and the conservation district shall be subject to audit to determine where performance efficiencies and improvements can be achieved.

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Animal regulations-livestock NEW SECTION. SECTION 9 Education and Enforcement.

- EDUCATION. Enforcement of these livestock standards shall initially emphasize achieving compliance with the standards as the primary objective, rather than the collection of fines or penalties. Fines or penalties are appropriate when a property owner or livestock operator has been advised of necessary corrective actions, and has not made those corrections. Where violations of the standards do occur, and such violations are directly linked to identified hazards or the discharge of prohibited contaminants, as enumerated in K.C.C. 8.12.025, code enforcement must emphasize immediate correction of the practices resulting in the hazard or prohibited discharge.
- Both the property owner and any renter or lessee of the property, hereinafter referred to "livestock operator", shall be held responsible for compliance with these standards.
- C. PRIMAE FACIE EVIDENCE. Establishment and adherence to a farm management plan as allowed by K.C.C. 21A.30.050 or the management standards provided by K.C.C. 21A.30.060 shall be prima facie proof of compliance with the regulatory provisions of K.C.C. 8.12.035.
- VIOLATIONS OF SPECIFIC STANDARDS. The department of development and environmental services shall be responsible for enforcement of the standards set out in this chapter. surface water management division shall be responsible for enforcement of water quality violations pursuant to K.C.C. Chapter 8.12 for prohibited discharges and hazards. specific standard identified in this chapter is not being adhered to, the operator and owner shall be given notice of non-compliance. The notice shall specify what actions must be taken to bring the property into compliance. The operator and owner shall be given 45 days in which to adhere to the management standards of K.C.C. 21A.30.060, or establish a farm management plan pursuant to K.C.C. 21A.30.050 as the owner

compliance. Should the owner and/or livestock operator fail to bring the property into compliance with the standards, the county, after notice, may commence abatement proceedings and impose civil fines 30 days thereafter, to the extent necessary for compliance. Thereafter, upon exhaustion of any appeals, failure of the operator and owner to comply with any continuing order to abate, the operator and owner shall be subject to civil and criminal penalties, and other procedures, as set forth in this title and K.C.C. Title 23 Enforcement.

and/or livestock operator may elect for the purpose of

SECTION 10. Livestock management - Information.

Within 180 days of adoption of this ordinance, King County shall publish and distribute information packets to all affected property owners, describing the ordinance in detail. In particular, the information packets shall outline what will be expected of King County residents who maintain livestock, including timelines, funding sources, and phone numbers and addresses of resource agencies.

SECTION 11. Livestock management- waste disposal.

Within 180 days of adoption of this ordinance, the Solid Waste Division shall develop a pilot program to investigate potential markets for livestock waste from both commercial and non-commercial operations including, but not limited to, as a replacement to chemical fertilizers in King County Parks (flowerbeds and fields); for use in commercial silviculture and nursery operations; for use on private property (similar to Woodland Park Zoo's "Zoodoo" program); and for use in publicly or privately operated composting stations.

SECTION 12. Severability. If any provision of this ordinance or its application to any person or circumstance is

held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 13. Ordinance 10870, Section 534 and K.C.C.

21A.30.070 are each hereby amended to read as follows:

Existing livestock operations. All existing livestock

operations shall either implement a farm management plan or

meet the management standards in K.C.C. 21A.30.060, within five

years of the adoption date of this title: existing buildings

are exempt from this provision. State standards for fecal

coliform, turbidity, and nutrients must be met within five

years from the date of adoption of this ordinance. The

Metropolitan Services Department/Water Quality Division shall

monitor stream systems for progress in meeting this goal, and

report annually to the council.

NEW SECTION SECTION 14. In order to ensure that livestock standards and management plans are customized as much as possible to the stream conditions in each of the various streams, the county executive will, in cooperation with the Washington State Department of Fisheries and the Muckelshoot Indian Tribe, establish interdisciplinary teams consisting of 3 members each, with expertise in fisheries, water quality and animal husbandry, to make specific recommendations to the Conservation District and livestock owners adjacent to the streams with regard to buffer needs throughout the parts of each stream which have livestock operations adjoining such The teams shall take into account the recommendations of the adopted Basin Plans, and shall work with the stream steward for the stream being evaluated to develop the recommendations. The recommendations shall be reported to the Livestock Oversight Committee, which shall assist in the dissemination of the recommendations to owners in the basin.

1	These teams shall work initially on those stream systems in
2	which specific problems have been identified and are believed
3	to be livestock related: Newaukum Creek, Soos Creek, the Upper
4	Green River and Bear Creek.
5	INTRODUCED AND READ for the first time this 22 day
6	or 700-0000000000000000000000000000000000
7	PASSED this 13th day of December, 1923
8	KING COUNTY COUNCIL
	KING COUNTY, WASHINGTON
10	Du he Dreg of
11	Chair
12	ATTEST:
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13 14	Guld a Satur
	Clerk of the Council
15	APPROVED this 27th day of lecember, 1993.
	$(5) \qquad 100$
16	Din All
17	King County Executive
18	Attachments: None
10	Accachments: None

COUNCIL OVERRIDES ON DECEMBER 30, 1993 BY A VOTE OF 6 TO 2, BRIAN DERDOWSKI, KENT PULLEN VOTING "NO", CYNTHIA SULLIVAN EXCUSED