



**King County Executive
TIM HILL**

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December 27, 1993

The Honorable Audrey Gruger, Chair
King County Council
Room 402
C O U R T H O U S E

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KING COUNTY COURTHOUSE

RE: Veto of Ordinance 11168: Livestock Standards

Dear Councilmember Gruger:

After much deliberation, I have decided to veto Ordinance 11168. I support the general intent of the ordinance to strike the balance between the needs for a viable farming community and the need to protect invaluable fisheries resources. As was stated repeatedly by all throughout the public hearings, every sector of our community shares responsibility for the problem of dwindling salmon populations and all must participate in the solution. From my observations, the farming community clearly is willing to participate and do their part.

I have vetoed the ordinance because of the following concerns.

- 1) The ordinance violates the spirit of the six-month moratorium on new land use regulations which I instituted in September of this year.
- 2) The ordinance places an unfair burden on the agricultural community for the cleanup of salmon-bearing streams.
- 3) This unfair burden may actually encourage conversion of agricultural lands to other purposes (commercial/residential) and could make pollution of the streams even worse.
- 4) The merger of Metro and its water quality services with King County and its surface water, environmental, planning, and agricultural functions provides a unique opportunity to show the citizens of rural and suburban King County that the new government will be effective in dealing with their issues.
- 5) This ordinance takes a very prescriptive approach by applying "cookie cutter" standards to every situation without regard for the unique character of the land or the operation. I would prefer a more performance-based approach that uses education and voluntary compliance to attain certain standards.



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- 6) An economic analysis of the effect of this legislation on agricultural lands has not been performed. Also, a financial analysis has not been done on the cost to King County of implementing and enforcing these regulations.
- 7) The livestock-related provisions which I proposed and were ultimately adopted by the Council in the current version of Title 21A will help preserve streams while the county continues to work with the affected parties on this issue.

For all of these reasons, which I detail below, I have vetoed this ordinance. This veto is the result of much discussion with members of my administration and the letters that I have received from citizens and persons interested in this law. I want to make it clear that environmental protection of streams, as well as other sensitive areas, has been a hallmark of my administration. It is important to move ahead with measures that protect our streams from all forms of pollution. That effort should be done in the new merged government.

The ordinance seems to treat the impacts from our farming community as the major factor in the diminution of salmon populations. I believe that this is an error and diverts attention away from what is clearly the major source of the problem...and the primary hope for a solution.

There are many obstacles encountered by salmonid populations from the time of their birth to the time in which they return to their spawning grounds. These obstacles are systemic and go way beyond the geographic boundaries of King County. Recognizing that we cannot legislate beyond our own boundaries, we must all do our part within King County.

However, our approach must be comprehensive in addressing the impacts of urbanization, as well as the impacts of farming. I believe that such a comprehensive approach, recognizing the need for a systemic solution, provides a more logical model for future regional efforts to preserve and reestablish these fisheries.

In addition, the adoption of this ordinance raises issues relative to the economic costs for compliance and enforceability. I believe these to be important issues that have not been evaluated to a reasonable extent.

To my understanding, the economic impact of this ordinance upon the farming community has not been analyzed. Today's farming community is faced with severe economic pressures to convert agricultural lands to non-agricultural uses. For example, the average real estate value (housing-related) of a 10-acre parcel in agricultural areas is \$10,000 per acre while its agricultural value is \$1,500 per acre. These figures tend to indicate that it is already marginally feasible to keep land for agricultural use. This ordinance would create additional costs for fencing and water quality monitoring that would not be required of a residential development. I suspect that the increased costs of complying with these standards and other standards within the

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ordinance will accelerate the rate of conversion of agricultural lands to residential uses.

The ordinance also contains a number of ambiguities that cloud its intent and increase the difficulty of compliance and enforcement. Enforcement is a critical issue given that only 200 of the current 10,000 livestock operations in King County have management plans that would comply with this ordinance. Despite the five-year grace period before these standards are to take effect, it may be unreasonable to expect that a significant number of these operations will comply by the effective date. Unless the King Conservation District is funded and staffed adequately, this ordinance will result in a large influx of code enforcement actions.

I believe that alternative methods of achieving water quality goals have not been considered. The ordinance takes a very prescriptive approach in applying strict "cookie cutter" standards to every situation, even where it is not necessary or even appropriate. A more holistic approach to solving this systemic problem is appropriate. This is the type of performance-based approach taken by METRO's water quality monitoring agency, which stresses attainment of water quality goals through education and voluntary compliance.

This approach was also the basis behind the livestock-related standards that I included in the original Executive version (and adopted by the Council in the current version of Title 21A of the Zoning Code). I believe that the current livestock standards of Title 21A will do more to foster voluntary compliance and ultimately lead to attainment of systemwide water quality goals.

In addition, the adoption of this ordinance is premature in light of two major planning efforts in progress or planned for 1994.

Pursuant to the Growth Management Act (GMA), King County Comprehensive Plan policy amendments are being developed at this time to promote, maintain and enhance agriculture in King County. These policies are to be evaluated with other important policy goals (including environmental protection) in order to achieve a proper balance in priorities.

In 1994, Executive staff will perform an evaluation of all land use regulations in King County. Once again, the focus of this effort is to ensure that such regulations do not stand in the way of achieving land use priorities envisioned by the new policies.

Because of these planning efforts, I instituted a limited-term moratorium on new land use legislation. This ordinance runs counter to the intent of that moratorium. I believe it is premature to adopt this ordinance prior to the completion of these two planning efforts.

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It is for these reasons that I reluctantly veto this ordinance. If you have any questions on this matter, please call me at 296-4040.

Sincerely,



Tim Hill
King County Executive

Enclosure

cc: King County Councilmembers
Councilmembers-elect
 ATTN: Jerry Peterson, Administrator
 Cal Hoggard, Program Director
Paul Tanaka, Director, Department of Public Works
Chuck Kleeberg, Director, Department of Development and Environmental
 Services
John Amos, Chief Financial Officer
Barbara Gletne, Director, Department of Human Services
Lois Schwennesen, Director, Department of Parks, Planning and Resources