



2009 FARMS Report Appendix N

Regulations

Accomplishments

Since its inception, the Agriculture Commission has advised King County on regulatory issues that affect commercial agriculture. The county has made significant progress on addressing many of the issues raised by the commission and other members of the agricultural community. As a result of this work, commercial agriculture has benefited from many regulatory changes, including:

- The Livestock Management Ordinance
- Allowing agricultural ditches to be maintained without a county grading permit
- Allowing wineries on Agricultural-zoned properties
- Flexibility in reducing critical areas buffers for agricultural developments
- Additional opportunities for on-site sales, processing, and storage of agricultural products
- Demonstration Ordinance to allow farm pads
- Allowing agricultural accessory structures in the floodway.

In addition to regulatory changes, the county has offered cost-share incentives and technical assistance for implementation of farm plan Best Management Practices and meeting the regulatory requirements for drainage maintenance and farm pad construction. Recognizing that permit fees were a challenge to many farmers, the county capped the cost of clearing and grading and land use permits for farmers and reduced the lower hourly permit fee for agricultural buildings.

In 2005, the Department of Development and Environmental Services (DDES) took additional measures to address the frustrations many rural residents, including farmers, faced in obtaining permits or responding to code enforcement complaints. DDES began to offer two free hours of technical assistance at the beginning of each day to respond to inquiries from rural residents about zoning, critical area, clearing and grading, and stormwater regulations. They hired a Rural Permit Coordinator to serve as a single point of contact for rural applicants and assigned two ecologists from the critical areas staff to provide free technical assistance. These outreach staff have worked closely with King Conservation District (KCD) staff in implementing the flexibility provided in the Critical Areas Ordinance for buffer reductions. This effort has proven successful in helping farmers. One of the ecologist positions has been eliminated in the 2010 budget, but DDES continues its efforts to provide assistance to farmers and other rural applicants.

At the end of 2006, with the support of the KCD and the Agricultural Commission, DDES convened an Interagency Agricultural Permit Team. The team was composed of staff from DDES, KCD, the Health Department, and the Agriculture Program. Staff from Rural Economic Development and other programs in the Department of Natural Resources and Parks also participate. The Agricultural Permit Team has enabled DDES to work collaboratively with other agencies to resolve permitting and enforcement issues.

An important component of the permit team's work has been getting information out to the public. The Agriculture Commission and the KCD co-sponsored and facilitated permit and flood preparation workshops in the Agricultural Production Districts (APDs). DDES staff held workshops for Vashon-Maury Island and equestrian owners. DDES also published a Technical Assistance Bulletin on agricultural permits.

The team continues to discuss regulations and policies that are difficult to implement. These include those regulating development on alluvial fans, fire code requirements for barns, siting of farm pads, and enforcement related to horse washing facilities. Another measure under consideration by DDES is the development of an Agricultural Commercial Building permit process. The permit team is also working on the difficult task of integrating state, federal, and local permits.

Accomplishments of the DDES Agriculture Permit Team

	Permit Process Improvement	Written Product	Education and Outreach	Issue Identification and Analysis	Code Development	Policy Development	Effective Compliance
FALL 2006							
1. Drainage Review for Agricultural Permits	■						
2. CAO/Grading/FEMA Issues for Farm Pads	■			■	■	■	
3. "New Agricultural Regulations, Permit Process Changes" - presentation to Enumclaw Forest and Foothills Recreation Association	■		■				
4. Types of Farm Buildings Permitted in APDs				■			
2007							
5. Individual Permit resolved	■			■			
6. Meeting with Agriculture Commission			■			■	
7. Individual Permit resolved	■					■	
8. "Interagency Ag-Training"							
9. Individual permit resolved	■					■	
10. "Ag Permit Process" workshop – Carnation	■		■				
11. "Ag Permit Process" workshop – Enumclaw	■		■				
12. Individual Compliance Action Agreed Upon				■			■

	Permit Process Improvement	Written Product	Education and Outreach	Issue Identification and Analysis	Code Development	Policy Development	Effective Compliance
13. Meeting with KCD, Agriculture Commission, DDES, WLRD, landowners			■				
14. New horse operations and Farm Plans – DDES, KCD, Agriculture Program	■			■	■		
15. Septic Repair versus New Septic and CAO – Health and DDES	■			■	■		
16. Permit Exemptions for Structures				■			
17. Adopt Snohomish Co. 6 interpretation of hog fuel in floodplain				■			■
18. Individual TUP Issued	■						
19. Individual Compliance Action Resolved				■			■
20. 10 Shoreline Exemptions issued rapidly for Farm Pads	■	■					
21. Individual Permit Resolved				■			■
22. Agreement on code change for Wineries				■	■		
23. Individual Compliance Action Resolved.				■			■
24. Collation of Permit Types and Use in APDs		■			■		
25. Individual Compliance Solution							■

	Permit Process Improvement	Written Product	Education and Outreach	Issue Identification and Analysis	Code Development	Policy Development	Effective Compliance
26. Identify issue: Ordinance allows concept but other codes will not allow - Health, DDES					■		
27. Identify Issues/Solutions for Task Force	■				■	■	
28. KCD capacity on farm plans	■			■			
2008							
29. Ag Permits Technical Assistance Bulletin		■					
30. Interagency approval of Flood-Farm Task Force Report		■		■	■	■	
31. "Horse Property Workshop"			■				
32. "Permit Workshop" for Vashon – Agriculture Program			■				
33. Individual Violation: Accurate information to each party							■
34. Decision on Scope of Farm Plan Rule – Agriculture Program, KCD, DDES				■		■	
35. Coordinated Agreement and SEPA for Shoreline Master Plan Update for Farm Pads					■	■	
36. "Flood Preparedness Workshop" – Carnation	■		■				
37. Identified use issues				■			

	Permit Process Improvement	Written Product	Education and Outreach	Issue Identification and Analysis	Code Development	Policy Development	Effective Compliance
38. Two Emergency Farm Pad Permits	■						
39. Identify issues regarding segregations, non-tillable surfaces				■			
2009							
40. Identify issues/comments on FARMS Report				■			
41. Factors Related to Size of Agricultural Buildings in Floodway				■	■	■	
42. Review FARMS Public Meeting Comments related to DDES	■			■		■	
43. Contribute to ADAP Streamlining (in process)	■			■		■	
44. Confirm Comp Storage Methodology for Farm Pads in 2009	■					■	■
45. Refine Rural Economic Strategies				■		■	
46. Flood Recovery Issues in Snoqualmie; rehabilitation of two farms	■		■	■			■
47. "Farm Pad Workshop" - Preston	■		■				■
48. Interagency Discussion of Shoreline Master Plan & Agriculture				■		■	

	Permit Process Improvement	Written Product	Education and Outreach	Issue Identification and Analysis	Code Development	Policy Development	Effective Compliance
49. Howard Hanson Flood Preparedness Planning				■			
50. Issues related to Wastewater from Horse Washing Facilities				■		■	
51. "Three Flood Preparedness Workshops" – Green River Valley	■		■	■			■
52. Identify Commercial Agricultural Building Permit Process Issues				■			
53. Two Code Compliance Cases Slaughter Facilities				■		■	■
54. Development Issues on FPP Parcels in Enumclaw APD				■		■	
55. Changes to CAO for Farm Pads		■			■		
57."Farm Pad Permit Pre-APP Workshop" in field	■		■				■
58. Expedited Farm Pad Permit Process	■						■

Regulatory Issues Identified by the Agriculture Commission

The Agriculture Commission has created a list of regulatory issues based on input from farmers, rural land owners, stakeholders, and commissioners over the years. The priority was established by the Agriculture Commission, based on what they heard at the FARMS public meetings.

Although many of the issues are addressed in the *FARMS Report*, the list has not been evaluated by King County to determine if particular issues are valid or require regulatory changes. The issues included in the list were chosen by the Agriculture Commission alone, without endorsement by King County.

Protecting the APDs and Farming in the APDs

High Priority:

- Drainage from upslope development onto the APDs
- The effects of flooding in the APDs
- Streamlined ADAP (Agricultural Drainage Assistance Program)
- Alluvial fan deposition below areas that are cleared and developed
- Low-cost remediation of debris slides on alluvial fans
- Planting of farmland as mitigation for buildings or other infrastructure in “grazed wet meadows”
- Production for food and fiber through regulations and incentives, including finding and using mechanisms that discourage or prevent residential estate development on farm land
- Barriers for managing water
- Dredging of the Tolt River Fan and gravel bars in the river to increase its capacity and reduce the likelihood of flooding
- Voluntary enhancement of habitat areas in the APDs

Lower Priority

- Reservoirs upslope of farms to reduce the amount of water flowing down streams into the APD in order “to take top off floods”
- Prevention of direct discharges to the river from large developments in the Snoqualmie

Ag Friendly Regulations for Farmers

High Priority

- Farmworker housing
- Farm pads large enough to accommodate future expansion of the agricultural operation
- Redefine wastewater/sewage from on-farm processing so that it can be used for irrigation and not be considered “industrial wastewater”
- Milking parlors and other farm infrastructure on farm pads
- Beavers and removal of beaver dams that are causing drainage problems

Medium Priority

- Compensatory storage restrictions on farm access roads, manure bins, and other farm infrastructure in the floodplain
- Protection from damage caused by coyotes, deer, elk and other animals

Lower Priority

- The 200 square foot limit of agricultural structures that can be constructed without obtaining a permit
- Permitting requirements for animal waste containment
- Size of manure storage facilities allowed without a permit

- Replacement of old houses in a floodway without the rule that it must be done within a year of the house being destroyed
- Restrictions to wells
- Allow existing septic systems to remain within the floodplain by revising the approach to “repair” versus “new” systems
- Fire code and temporary labor thresholds that require expensive sprinkler systems
- Health code regulations regarding public use of farms for activities such as education and ecotourism
- Limitations on sewer hookups in APDs

How the Regulations are Applied

- Continue the work programs of the Rural Coordinator, CAO assistance, and Agriculture Permit Team to improve agriculture-appropriate permit process and code compliance resolution
- Time, process, and cost required to obtain necessary agricultural permits
- Cost of residential permits for operating farms
- A less compartmentalized agricultural permit track that does not treat infrastructure on an existing farm as “new development,” including a permit for agricultural buildings.
- Work with the Army Corps of Engineers to reduce the time it takes to obtain permits
- Alternative building materials for some small agricultural structures



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